

**TOWNSHIP OF OCEAN**  
**Zoning Board of Adjustment**  
**6:00 P.M.**  
**November 21, 2024**

6:00 P.M.

**CALL MEETING TO ORDER**

**FLAG SALUTE**

**STATEMENT:** Pursuant to the provisions of the New Jersey, Open Public Meetings Act, adequate notice of the meeting was properly provided by sending copies of the notice of meeting to the Asbury Park Press and the Press of Atlantic City. Notice was posted on the bulletin board in the Administration Building.

**CHAIRMANS STATEMENT:** This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

**ROLL CALL**

***Members Present***

David Bonnetti  
Thomas Corliss Jr.  
Anthony DeCondo  
Kevin Hartnett  
Anthony Pellegrino  
Raymond Roskowski  
Larry Saunders

***Members Absent***

Carmine Guiga  
John Panebianco

***Professionals***

Debra Rumpf, Rumpf Law  
Jason Worth, T & M Associates

**APPROVAL OF MINUTES:**

October 17, 2024 Regular Meeting Minutes.  
Mr. Corliss motioned to approve, second by Mr. Bonnetti.

**Roll Call**

Mr. Bonnetti – Yes  
Mr. Corliss – Yes  
Mr. Roskowski – Yes  
Mr. Pellegrino – Yes

**APPROVAL OF BILLS**

Mr. Bonnetti motioned to approve, seconded by Mr. Saunders.

**ROLL CALL**

Mr. Bonnetti – Yes  
Mr. Corliss – Yes  
Mr. DeCondo – Yes  
Mr. Hartnett – Yes  
Mr. Roskowski – Yes  
Mr. Saunders – Yes  
Mr. Pellegrino – Yes

**CORRESPONDENCE:**

None

**RESOLUTIONS:**

- a. Resolution No. 12-24-BA  
Docket No. 09-24-BA  
Gregory Rieck  
362 Route 9  
Block 241.11 / Lot 6  
Bulk Variance

**MOTION TO APPROVE**

Mr. Corliss motioned to approve, seconded by Mr. Bonnetti.

**ROLL CALL**

Mr. Bonnetti – Yes  
Mr. Corliss – Yes  
Mr. Roskowski – Yes  
Mr. Pellegrino – Yes

- b. Resolution No. 13-24-BA  
Docket No. 08-24-BA  
Kenneth LaBella  
115 Bloomfield Road  
Block 274.04 / Lot 9  
Bulk Variance

**MOTION TO APPROVE**

Mr. Corliss motioned to approve, seconded by Mr. Bonnetti.

**ROLL CALL**

Mr. Bonnetti – Yes  
Mr. Corliss – Yes  
Mr. Roskowski – Yes  
Mr. Pellegrino – Yes

**OLD BUSINESS:**

NONE

**NEW BUSINESS:**

- a. **Docket No. 07-24-BA**  
**Peter Kania**  
**190 Morey Place Road**  
**Block 56 / Lot 14**  
**Bulk Variance**

Mr. John Jackson, Esq. of John J. Jackson III & Associates takes the stand to represent the applicant, Peter Kania. Mr. Jackson provided an overview of the property and proposed project to the board via PowerPoint presentation. Mr. Jackson explained that the lot is an irregular, isolated and undersized lot with the applicant proposing the driveway configuration to allow for wetlands and wooded buffer, along with a dedication to the Township for the right-of-way.

Mr. Bruce Jacobs, P.E., P.P., C.M.E. of Gravatt Consulting Group is sworn in to testify. Mr. Jacobs explained to the board that the property is in the R2 zone, the lot is .846 where 2 acres is required and is located on the westerly side of Morey Place Road, with residential lots to the west and a wetlands area with a 50' buffer to the east of Morey Place Road. Mr. Jacobs went on to discuss that Morey Place Road is an 18' wide gravel road stating that the tax map showing a 25' roadway easement with nothing of same showing in deeds however, the applicant is proposing a 25' roadway easement instead of dedication due to the undersized nature of the lot. The applicant is proposing a roughly 35'x47' +/- house with a front porch and walkway, a side entry garage, septic field to the north of the house and well on adjacent side of the lot. Mr. Jacobs reviewed the variances that are being sought which are for: lot area – the property is .846 acres where 2 acres is required, lot depth – 88' proposed where 350' is required, and setbacks – half of the setback requirement is to have vegetation where 5' vegetation to the rear, 5'-10' vegetation to the side and 5' vegetation along the roadway easement is proposed. The applicant is also seeking a waiver for building on an unimproved road because any improvements, such as curbs or pavement, would impede the Wetlands buffer and would require a DEP permit and would have an adverse impact on stormwater management.

Mr. Jackson began to discuss the T&M Technical Review letter dated October 14, 2024. Mr. Worth inquired to Mr. Jacobs about other potential options for the placement of the home to allow for more light, air, open space and/or greater buffering where Mr. Jacobs advised that side yard currently shows a 20' buffer which is what is required as well as the layout of the property being in this current design to allow for the septic requirement, as well as at least a 20' wide pull-off for driveway turn around which goes right to the easement area. Mr. Worth began a discussion regarding the grading and drainage from the rear of the property toward the wetlands at the roadway and the impact of that along with the crowned roadway drainage and ponding along the roadway. Mr. Jackson inquired to Mr. Jacobs if drywells could be provided on this property to reduce runoff to which Mr. Jacobs testified that drywells could be provided, as well as a swale along the edge of the property to reduce stormwater runoff. Mr. Worth inquired if there are any accessory structures proposed to which Mr. Jackson testified that there are not at this time and any future homeowner would have to make an application on their own for that future work. Mr. Jackson also asked Mr. Jacobs to clarify to the board that the applicant is under on the maximum allotment of building coverage to where Mr. Jacobs stated that the building coverage proposed is 4.5% and the allowed coverage is 10% and the impervious coverage is 13.7% where 20% is allowed. Mr. Worth asked Mr. Jacobs if emergency services such as Police, Fire and EMS would be able to access this property to which Mr. Jacobs testified that the driveway would allow for a fire truck and any other smaller emergency vehicles to pull into the driveway. Mr. Jacobs also stated that he did not believe that the plans were sent to the fire department for review prior to this meeting. Mr. Jackson also asked Mr. Jacobs to review the architectural plans and discuss the layout and highlight any key features for the board. Mr. Jacobs explained the

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proposed home would have a dining, kitchen, breakfast area, great room and 2-car garage on the main level and the second floor would have four (4) bedrooms plus a loft/finished attic area above not proposed as a bedroom area.

Mr. Bonnetti asked if the lot coverage was based on a compliant lot or on the existing undersized lot to which Mr. Jacobs stated is based on the undersized lot. Mr. Bonnetti also asked for an explanation of the 3-parties names mentioned on this application, which are Kania, Stein and future homeowner. Mr. Jackson explained that Mr. Kania is the contract purchaser and developer for the lot to which he would sell the house to a future homeowner and Stein is likely the current owner but was unsure at this time.

In closing, Mr. Jackson asked Mr. Jacobs opinion; after speaking about the positive and negative criteria for this application, does he believe this application could be approved without any substantial detriment and Mr. Jacobs testified that he does believe that it could.

Please note that a printout of Mr. Jackson's PowerPoint is entered as exhibit A1 and the buy-sell letters and certified mail slips as A2.

**OPEN TO THE PUBLIC:**

Mr. Pellegrino opened public comment.

Shawn Denning, Jr., owner of 92 & 133 Morey Place Road and was sworn in to testify in opposition to this application. Mr. Denning testified that water pools in the area of 90 Morey Place when it rains due to the crowning of the roadway, to which he helps to grade and could potentially create a wash over the roadway with the new development on the lot. Mr. Denning read a letter of opposition from the members of the public that will be marked as opposition exhibits. Mr. Denning also read his own letter of opposition entered as exhibit O1. This statement included opposition for the reasons of: the area being in the EC-20 zone for environmental sensitivity, states that he feels the applicant does not meet the criteria for hardship as the property owner also owns adjacent lots and also did not receive a buy-sell letter from the applicant as he is the owner of the adjoining westerly of the PIQ, concerns about stormwater management and potential grading issues, clearing of vegetation conflicts with zoning regulations and the Township Tree Ordinance, Morey Place Road is a gravel/dirt road with high traffic and no plan for paving and the lot would require additional variances for any potential future improvements such as a deck, pool or other structures creating further deviations from the established standards. Concluding Mr. Dennings statement, Mr. Jackson cross examined. Mr. Jackson showed the board an electronic copy of the buy-sell letter that was sent to the owners of Block 56 Lots 5.02, 13.01, 13.02 and 13.03 and discussed the potential for the adjacent landowner to purchase the PIQ. Ms. Rumpf explained to the board that both parties would be required to bring a comparative market analysis or an official report by a realtor as to what the value of the property would be should this be the route chosen to be taken. Discussion ensued regarding merger doctrine and the definition of buy-sell to adjoining and/or front to back lots. Mr. Denning testified the only certified mail letter he received was the Notice of Hearing and is not in receipt of a buy-sell letter. Mr. Saunders asked of Mr. Denning if his only opposition to the application is the size of the lot to which Mr. Denning stated that the entire neighborhood, except for the lot at 92 Morey Place Road which has been in existence since 1950, is all two (2) acres + lots that conform to the established zone. In addition to this, the house at 92 Morey Place Road is only 440 sq. ft., which was never expanded upon or built larger being that it would have required variances due to non-conformity in the zone. Mr. Jackson asked of Mr. Denning if the house proposed on the PIQ is consistent with other houses on Morey Place Road to which Mr. Denning stated it was not consistent with the houses in the immediate area but could not answer with certainty being he did not know the square footage of the proposed house. Mr. Jackson has no further questions for this witness.

Shawn Denning, Sr., owner of 145 Morey Place Road was sworn in to testify in opposition to this application. Mr. Denning explained to the board that he owns the second house to have ever been built on Morey Place Road and when he purchased the property, he was required to make a 50' right-of-way from Route 532 to his property as well as make the gravel roadway 30' wide edge-to-edge. Mr. Denning provided an overview to the board of how Morey Place Road

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was developed over the years. Mr. Denning also testified that his property, 145 Morey Place Road, is the last with a deed restriction to maintain Morey Place Road. Mr. Denning testified to the board that the landowner of Block 56 Lots 14, 13.01, 13.02, 13.03 and 13.04 are all the same owner and has never developed these lot and he feels that if this PIQ, most restive lot, is approved it will allow for easier approvals for development on the other, also undersized, lots. Mr. Denning feels that the owner(s) of the above referenced lots should consolidate this undersized lot to the other undersized lots owned by the same person(s) to make for more confirming R2 zoned lots. Mr. Worth explained to Mr. Denning that case law states that because lots 13.01, 13.02, 13.03 and 13.04 front on a different street than lot 14, they do not automatically merge under the merger doctrine. Mr. Denning also stated that the postal carriers and school buses will not deliver mail or pick up students on Morey Place Road due to its unfinished condition. Mr. Saunders asked Mr. Worth to clarify if the other four lots were undersized and if they would require variances if to be developed to which Mr. Worth explained that if the lots were created by legal subdivision, at least 1 acre and not in common ownership that they would not need variances however, they have been in common ownership for the last twenty years so it could potentially pose an issue if they try to develop in the future. Ms. Rumpf stated this is based on the Doctrine of Lochner. Mr. Jackson stood to cross examine this witness. Mr. Jackson asked if Mr. Denning disagreed with this application, to which he stated this would be the final step in the destruction of Morey Place Road as it was originally intended. Mr. Jackson asked if the road is dirt or gravel to which Mr. Denning stated that he tries to keep it dirt but the town comes with rock causing flat-tires for the residents so he rakes the rock into the ground. Mr. Jackson clarified with Mr. Denning that the Township does come out twice a year to maintain the road, but Mr. Denning fixes it the next day. Mr. Denning states that he feels this application would destroy the intent of the zone in its non-conformity to the neighborhood and the lot that is closest in size to this PIQ has a 440 sq. ft. house on it and the proposed house is 3-stories. Note: Letter of opposition is entered into evidence as O2.

Charles Reilly, owner of 94 Morey Place Road was sworn in to testify in opposition to this application. Mr. Reilly states that he agrees with everything the Dennings testified to prior to his speaking. Mr. Reilly also explained to the board that when he made application to build his house, he was unable to subdivide his property and he was required to relocate the original proposed location of the house to meet the setbacks for the zone so much of the property is unusable. Mr. Reilly asked for clarification of the setback of the house to easement and the property line to which Mr. Jacobs stated the house would be 25' to the proposed easement line and almost 49' to the property line. Mr. Reilly asked the board if Morey Place Road is still considered a drift road since it hadn't been dedicated and Mr. Worth explained that the applicant is proposing a 25' roadway dedication along this PIQ and the proposed setback of the house to the easement line is 25.98' so the total setback from the property line would be 50.98'. No questions for this witness from Mr. Jackson. Note: Letter of opposition is entered into evidence as O3.

Jessica Smith, owner of 116 Morey Place Road was sworn in to testify in opposition to this application. Ms. Smith explained to the board that when she was purchasing her property that her CO was held up for over a month due to an easement for water that was to be installed and was cleared and since there was no longer going to be water provided, the trees needed to be re-planted. Ms. Smith also testified that she was denied a zoning permit for a 10'x10' shed because it did not meet the setbacks for the zone due to the depth of her lot. No questions for this witness from Mr. Jackson. Note: Letter of opposition is entered into evidence as O4.

Ray & Debbie Schaefer, owners of 103 Morey Place Road was sworn in to testify in opposition to this application. Mr. and Mrs. Schaefer wanted to note the record that they own the lot across Morey Place Road that is wetlands and did not receive a buy-sell letter, to which Ms. Rumpf explained that being they are across the street and do not adjoin the PIQ, they would not be subject to the buy-sell option. Ms. Schaefer testified to the board that they had to pay \$12,500 to the township for road maintenance and whenever the township comes to re-rock the roadway, they get flat tires and feel it is very dangerous. No questions for this witness from Mr. Jackson. Note: Letter of opposition from Mr. Schaefer is entered into evidence as O5.

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Kelsey Denning, resident of 133 Morey Place Road was sworn in to testify in opposition to this application. Ms. Denning stated that she feels that with the number of variances that are needed for this lot, it does not appear to be a feasible building lot. Ms. Denning stated that her husband and father-in-law have worked to maintain the roadway for longer than she has lived there. She also stated that she previously resided at 92 Morey Place Road and the trees that are currently there as a buffer are not substantial enough. Ms. Denning stated that she needs to drive her children to the bus stop at Wells Mills Road since the school buses will not come down the road and until recently, they also used to have to take the trash and recycling to Wells Mills Road as well for pick up. No questions for this witness from Mr. Jackson.

Robert & Carrie Campanile, owners of 142 Morey Place Road are sworn in to testify in opposition to this application. Mr. Campanile stated they agree with all previous public testimony and that if it wasn't for the Dennings, he feels the road would likely be impassable. Mrs. Campanile feels the road is unsuitable for walking and driving traffic. No questions for these witnesses from Mr. Jackson. Note: Letters of opposition entered are into evidence as O6 (Mrs. Campanile) and O7 (Mr. Campanile).

James Coletta Jr., tenant of 92 Morey Place Road was sworn in to testify in opposition to this application. Mr. Coletta testified that he has a concern regarding the buffering and stated that he can see directly through the trees to the adjoining property, and they would need to add a significant amount of trees to provide adequate buffering. Mr. Jackson asked Mr. Coletta to clarify which house he lives in and it was clarified that Mr. Coletta resides in the home at 92 Morey Place Road, owned by Mr. Denning Jr. Note: Letter of opposition entered into evidence as O8.

**CLOSE TO THE PUBLIC:**

Mr. Pellegrino closed public comment.

**CONTINUATION OF TESTIMONY BY THE APPLICANT**

Mr. Jackson furnished to the board, the electronic tracking from the USPS of the buy-sell letter to Mr. Denning being picked up on November 21, 2024 at 10:23am. This item is entered into evidence as A2. Mr. Jackson called Mr. Jacobs to return to the stand to provide the board with trip generation for a single-family home to which Mr. Jacobs sited RSIS with approximately 10.2 traffic movements per day on average.

Peter Kania is sworn in to testify. Mr. Jackson began to discuss the question of ownership of the adjoining lots to which he showed the board an electronic view of the 1985 subdivision that occurred that created the PIQ that was provided to him by Mr. Kania. Mr. Kania explained to the board that he is the contract purchaser and developer of lot 14 and lot 13.02.

Mr. Jackson provided a summation of the application to the board.

Mr. Worth provided a summary of the variances that have been requested. Ms. Rumpf provided an overview of the positive and negative criteria of the testimony to the board.

The board began discussion to form a decision. The board secretary inquired if a buy-sell decision had to be made prior to the board's decision. Mr. Jackson stated he would like to speak with his client if this was something he would be willing to do.

Mr. Bonnetti motioned for a 3-minute recess. Ayes.

The board returned to session. Mr. Denning Jr. stated to the board that he withdrew his interest in purchasing the property at this time. Mr. Jackson stated to the board that with Mr. Denning withdrawing his interest in purchasing the property, that furthers the reason for hardship for the applicant. Mr. Jackson reiterated that his client would be willing to sell for fair market value.

**MOTION TO DENY:**

Mr. Corliss motioned to deny based on concern with not keeping with the neighborhood, stormwater management, dust for added traffic, wetlands protection and vegetation and the severe unsized nature of the lot. Seconded by Mr. DeCondo.

**ROLL CALL**

Mr. Bonnetti – Yes  
Mr. Corliss – Yes  
Mr. DeCondo – Yes  
Mr. Hartnett – Yes  
Mr. Roskowski – No  
Mr. Saunders – Yes  
Mr. Pellegrino – Yes

**b. Docket No. 12-24-BA**

**Patricia Zeitz  
3 Tall Oaks Drive  
Block 54.05 / Lot 14  
Bulk Variance**

Application removed from agenda due to improper notice. To be heard at a future meeting.

**GENERAL PUBLIC COMMENT:**

Shawn Denning Jr. is sworn in to speak. Mr. Denning thanked the board for hearing the public's testimony.

**MATTERS OF THE BOARD:**

No matters to present.

**MOTION TO ADJOURN:**

Motioned to adjourn by Mr. Hartnett, second by Mr. Saunders. All in favor.

**MEETING ADJOURNED AT 8:39 PM**

Jessica Napolitano  
Board Secretary