

\*This Zoning Board Meeting will be an Open Public Meeting.

**ZONING BOARD OF ADJUSTMENT**

**TOWNSHIP OF TOMS RIVER**

**JULY 9, 2020 AGENDA**

**REGULAR MEETING – 6:30 p.m.**

1. **MEETING CALLED TO ORDER**
2. **FLAG SALUTE**
3. **CHAIRMAN'S STATEMENT - OPEN PUBLIC MEETINGS ACT**
4. **ROLL CALL AND DECLARATION OF QUORUM**

JASON CRISPIN	_____	JOSEPH KEMPKER	_____
ART BLANK	_____	RICHARD TUTELA	_____
ROBERT ALSTON	_____	ANTHONY FONTANA	_____
LYNN R. O'TOOLE	_____		

**ALTERNATES:**

NELS LUTHMAN (ALT#1)	_____
ANTHONY L. COLUCCI (ALT #2)	_____
RICHARD ANGIOLETTI (ALT #3)	_____
MATTHEW YEZZI (ALT #4)	_____

5. **ANNOUNCEMENTS**
6. **EXECUTIVE SESSION**
7. **APPOINTMENT OF ZONING BOARD ATTORNEY AND CONFLICT ZONING BOARD ATTORNEY FOR THE REMAINDER OF THE CALENDAR YEAR**
8. **APPROVAL OF GENERAL VOUCHERS FOR PAYMENT**
  - A. General Voucher for Dasti, Murphy, McGuckin, et al
  - B. General Voucher for Cole Transcription, LLC
9. **BOARD ACTION ON APPLICATION**
10. **PUBLIC COMMENT**
11. **ADJOURNMENT**

**REGULAR MEETING TOWNSHIP OF TOMS RIVER  
BOARD OF ADJUSTMENT  
JULY 9, 2020**

APPEAL #13665 – BULK VARIANCE – PUBLIC HEARING OPEN – NO TESTIMONY HEARD

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| 1. | Kurt Oswald<br>26 Bay Point Drive<br>Zone: R-75<br>October 9, 2020 | Block: 297.02<br>Lot: 36<br>Jillian McLearn, Esq.<br>ESCROW ACCT# X-23—B01-666 |
|----|--|--|

The applicant proposes to construct a gazebo on subject property.

Distance from Water's Edge	-20' required/permitted -12.42' proposed
Min. Rear Yard Setback	-20' required/permitted -11.42' proposed
Max. Building Coverage Setback	-35% required/permitted -36.5% proposed

APPEAL #13664 – APPEAL OF AN ADMINISTRATIVE OFFICER'S DECISION & BULK VARIANCE – PUBLIC HEARING OPEN – NO TESTIMONY HEARD

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|----|---|--|
| 2. | Pietro & Maria D'Alia<br>222 Hayes Court<br>Zone: R-40A<br>September 25, 2020 | Block: 919.08<br>Lots: 11 & 11.01<br>Harvey L. York, Esq.<br>ESCROW ACCT# X-23—B01-665 |
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The applicant proposes to appeal the administrative officer's determination and the application to permit a deck in the rear yard of the subject property.

Distance from Water's Edge	-20' required/permitted -10' proposed
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**\*Miscellaneous**

It is noted that a Zoning permit and Building permit was issued for the elevated rear yard deck. After review due to an anonymous complaint it was found that the Zoning permit was issued in error and was subsequently revoked.

**REGULAR MEETING TOWNSHIP OF TOMS RIVER  
BOARD OF ADJUSTMENT  
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APPEAL #13645 – USE (D1) AND (D5-DENSITY) VARIANCE – PUBLIC HEARING  
OPEN – NO TESTIMONY HEARD

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|----|--|---|
| 3. | 1801 Route 35N, LLC<br>1801 Route 35 North<br>Zone: GB-MF Zone<br>July, 2020 | Block: 1043<br>Lots: 472-478<br>Robert C. Shea, Esq.<br>ESCROW ACCT# X-23—B01-646 |
|----|--|---|

The applicant is proposing to construct a five-unit townhouse condo building on a 13,234 SF lot in the GB-MF zone in Ortleigh Beach. The GB –MF Zone permits multifamily buildings either in accordance with the MF-16 zone requirements but limited to 12 dwelling units per acre; or in a building with retail on the ground floor.

Min. Lot Depth	-100' required/permitted -94.5' existing
Min. Lot Frontage	-100' required/permitted -92.83' existing –Fort Ave & Fielder Ave
Min. Front Yard Setback	-35'/prevailing required/permitted -9.5' proposed –Rt. 35  -20'/prevailing required/permitted -6.5' proposed –Fort Avenue  -20'/prevailing required/permitted -6.5' proposed – Fielder Avenue

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