
RE: 7 OCEAN PATHWAY
APPLICATION

HISTORIC PRESERVATION COMMISSION
SPECIAL MEETING

DATE OF MEETING: January 30, 2024

REQUESTED BY:

David E. Maryland, Esq.
(Strasser & Associates)

IN ATTENDANCE:

Deborah Osepchuk, Chairperson
Lucinda Heinlein
Kurt Cavano
Douglas MacMorris
Jenny Shaffer
Scott Moyer
Linda Henderson
Jeffrey Rudell

ALSO PRESENT:

Heather Kepler, Administrator
Anne Marie Rizzuto, Commission Attorney
Mark A. Pavliv, Applicant attorney
Gary Simone, Builder
Terry O'Connor, Applicant

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Audio Recorded

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Proceedings

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1 MS. OSEPCHUK: All right. Next on the
2 agenda is 7 Ocean Pathway. This is another application
3 that has been before this Board before. And the only
4 thing -- Mark, in regards to this application, the
5 drawings that were before this Board the last time you
6 were here, have there been changes made?

7 MR. PAVLIV: Yes, they've been submitted.

8 MS. OSEPCHUK: Okay. I'm sorry. I'm
9 getting ahead of myself.

10 Anne, would you please swear Mark in?

11 MS. RIZZUTO: Mr. Pavliv, will you raise
12 your right hand, please, sir.

13 M A R K PAVLIV, SWORN

14 MS. KEPLER: Is there anybody else
15 testifying this evening? I see Gary is present.

16 MR.PAVLIV: Gary is going to assist me on
17 the screen because I no longer can see the screen.

18 MS. KEPLER: Okay. Ann Marie, does he have
19 to be sworn?

20 MS. RIZZUTO: Are you the applicant, sir?

21 MS. KEPLER: No, he's, I believe, the
22 builder.

23 MS. RIZZUTO: Gary, raise your right hand.

24 GARY SIMONE, SWORN

25 MS. OSEPCHUK: Oh, you're -- you're muted,

1 Gary. Please unmute and then say yes.

2 MR. SIMONE : I do.

3 MS. RIZZUTO: Please state -- please state
4 your full -- your full name please and spell the last
5 name.

6 MR. SIMONE: Gary Simone, S-i-m-o-n-e.

7 MS. RIZZUTO: And you're echoing.

8 MR. SIMONE: Yeah, we're in the same room.
9 How about now?

10 MS. OSEPCHUK: Yeah.

11 MS. RIZZUTO: It's still doing it.

12 MR. SIMONE: Simone, S-i-m-o-n-e.

13 MS. RIZZUTO: We got it. So -- so if you
14 don't have to talk, don't talk.

15 MS. OSEPCHUK: And also Terrie -- I saw
16 Terrie was present. Will she be stating anything this
17 evening or testifying to anything? Terrie, you're on
18 mute.

19 Mark, unmute your computer too, please.

20 MS. O'CONNOR: We're on the same computer.
21 I don't know. It depends what questions you bring up
22 that if I have to answer them.

23 MS. OSEPCHUK: All right. Then why don't
24 you get sworn in, Terrie, just so that all basis are
25 covered. Okay.

1 MS. RIZZUTO: Raise your right.

2 T E R R I E O ' C O N N O R, SWORN

3 MS. RIZZUTO: Your full name, ma'am?

4 MS. O'CONNOR: Terrie O'Connor.

5 MS. RIZZUTO: Thank you.

6 MS. OSEPCHUK: Okay. All right. So, then,
7 Mark, how about you share screen and put up the latest
8 drawings that you submitted, please.

9 MR. PAVLIV: Gary, can you get the screen?
10 Gary's gonna turn the -- he has the --

11 MS. OSEPCHUK: Wonderful. Thanks. Thanks,
12 Gary.

13 MR. PAVLIV: Page 2 -- we're gonna need
14 four, two sheets. And those -- those were submitted in
15 hard copy and in PDF as well to the -- to the
16 Commission.

17 MS. OSEPCHUK: Unfortunately, Mark, for
18 those of us who only have one screen, it's impossible
19 to see them unless you share screen with us.

20 MS. O'CONNOR: You did share screen.

21 MR. PAVLIV: You have the screen in front
22 of you.

23 MS. SHAFFER: I do and that's -- and thank
24 you.

25 MS. OSEPCHUK: Now we can see them, yes.

1 Thank you.

2 All right. So from the last time that we met and
3 looked at the plans, can you just very briefly go
4 through any changes that were made?

5 MR. PAVLIV: Yeah. We received a tech
6 report that was dated January 8th. And in that
7 virtually, like, 90, 95 percent was listed as being
8 conforming.

9 MS. OSEPCHUK: Okay. So, the only -- we
10 only really need to speak to those items that were
11 listed as non-conforming then.

12 MR. PAVLIV: Non-conforming. And those
13 items that were listed as non-conforming, one was the
14 -- the lowering and raising of sill heights is not
15 permitted. And there were apparently two windows on
16 the west elevation that you requested we retain. And
17 those windows are existing openings. And those windows
18 are existing head heights. So, if you'd like us to
19 lower the head height to match all the others that
20 would no longer be an original or existing, we could do
21 that. But that's the reason why the head height is
22 different. That's why -- where the stair was.

23 MS. OSEPCHUK: So --

24 MR. PAVLIV: We had -- we had eliminated --
25 sorry. We had eliminated that first floor window. And

1 then we were told that we cannot eliminate it, we need
2 to retain it. So we said, okay, we'll retain it. And
3 we -- we retained the head height where it was, so it's
4 not --

5 MS. OSEPCHUK: Correct.

6 MS. SHAFFER: That's fine --

7 MS. OSEPCHUK: That's fine.

8 MS. SHAFFER: -- if that's what it was.

9 MS. OSEPCHUK: I -- I think what they're
10 referring to, Mark, and correct me if I'm wrong is the
11 head heights on the new windows. I'm looking at the
12 second floor are different than the original head
13 heights on the original building itself.

14 MR. PAVLIV: No, they're not. They're not.

15 MS. OSEPCHUK: They are -- they are in
16 alignment? They are at the same height, those windows?

17 MR. PAVLIV: The same height. The --

18 MS. OSEPCHUK: They seem shorter and higher
19 to me.

20 MR. PAVLIV: They're the identical heights.

21 MS. OSEPCHUK: In the addition?

22 MR. PAVLIV: In the addition.

23 MS. OSEPCHUK: They are the height as the

24 --

25 MR. PAVLIV: I'm half blind and I can see

1 that, yes, the are.

2 MS. OSEPCHUK: They are. Okay. It's --
3 then the drawing is -- on the second floor, that's what
4 I'm looking at. Is that an optical illusion that I'm
5 seeing? If I was to hold a ruler from the two windows
6 that are in the original house --

7 MR. PAVLIV: Yeah.

8 MS. OSEPCHUK: -- the head heights of those
9 three windows in the addition would be at the same
10 height?

11 MR. CAVANO: Hey, Deb, I just held a
12 straight edge up and they all are matching.

13 MS. OSEPCHUK: They are. Okay. Then it's
14 got to be my screen. Okay. Thanks, Kurt.

15 MR. PAVLIV: It's possible then when this
16 was scanned the paper --

17 MS. OSEPCHUK: Okay. That -- yeah.

18 MR. PAVLIV: -- was not flat.

19 MS. OSEPCHUK: Okay. Thank you. That --
20 that cleared that up.

21 MR. PAVLIV: So, anyway, that was the --
22 the response for that window. And we're fine leaving
23 it as shown here or if -- if the Commission prefers, we
24 will lower it or eliminate as originally intended.

25 MS. OSEPCHUK: No, I think that was an

1 original window to the original house and I think that
2 was why they asked you to keep it in its location.

3 MR. PAVLIV: Okay. So, the story is told
4 and it's there.

5 MS. OSEPCHUK: Got it.

6 MR. PAVLIV: Next, on -- on that there was
7 a comment about the -- on the rear elevation, we had
8 double doors on the first floor. We eliminated the
9 double doors making it conforming with a single door.
10 And along the east side as you come into the porch
11 area, there's another door. And there was a question
12 whether it's appropriate to have two doors at that end
13 of the dwelling, even though one door is facing north
14 and one is facing east.

15 I would argue that if -- if we had two
16 doors on the same plane or on the same elevation, there
17 -- there would be an issue with that. But these are
18 doors which are functioning completely differently for
19 different purposes in our different elevations.

20 MS. OSEPCHUK: But they both lead into the
21 same room. Is that correct?

22 MR. PAVLIV: Well, at least into the same
23 room area. But the one that's on the east, you make a
24 quick left turn and you go into a laundry and mudroom
25 area, whereas, the other one has access to the porch.

1 So, we -- we, basically, again, the conforming part of
2 what we did was we -- we changed -- we took windows out
3 which were nearly -- we put windows back that were
4 original. We put the single door in where there were
5 double doors. And on -- also on the east elevation we
6 retained the original opening that goes to the
7 basement. And that's bubbled out and pulled out as
8 part of number 5 in revision 5. And that goes down
9 into the basement as it is now, so we're retaining
10 that.

11 MS. OSEPCHUK: Okay.

12 MR. PAVLIV: Okay. So -- so, those are
13 basically the items that you had identified
14 specifically. Everything else I think we've taken care
15 of. We've clarified if you go to the balcony in the
16 rear, there was some question because it wasn't clear
17 on the drawing that there were newel posts. And newel
18 posts have the same matching ball caps that are
19 occurring elsewhere on the building. And we eliminated
20 the columns, decorative elements, the covered porch.
21 And we pulled all that back. And -- and it basically
22 simplified that whole rear area.

23 MS. OSEPCHUK: Okay.

24 MR. PAVLIV: Okay?

25 MS. OSEPCHUK: Yeah. Thank you.

1 MR. PAVLIV: And --

2 MS. OSEPCHUK: Questions from the Board?
3 Comments, questions?

4 MS. SHAFFER: Am I correct that this -- the
5 size of this has not been changed and the -- the form,
6 none of that has been changed since our last meeting,
7 correct?

8 MR. PAVLIV: The size of what?

9 MS. SHAFFER: What you're calling the
10 addition. You haven't changed --

11 MR. PAVLIV: No, that hasn't changed.

12 MS. SHAFFER: -- the footprint, you haven't
13 changed the form? Okay.

14 MR. PAVLIV: No.

15 MS. SHAFFER: Great. Thank you.

16 MR. PAVLIV: The covered areas have been
17 eliminated.

18 MS. SHAFFER: So, it's essentially -- it's
19 essentially the -- the same in that way?

20 MR. PAVLIV: Yeah. And -- and there was
21 some calculations --

22 MS. SHAFFER: Okay. Thank you.

23 MR. PAVLIV: -- that were in the tech
24 report. Just to help you, Jenny, on this. Whoever did
25 the tech report put in a percentage.

1 MS. SHAFFER: Yes.

2 MR. PAVLIV: A 42 percent increase. And I
3 really questioned that. And we went back and did the
4 math for record purposes. The existing home, habitable
5 space is 2190. The addition is 795 which gives us a
6 total of 2985. When you do the percentage of that,
7 it's actually 26.63 percent that we're adding, not the
8 42. Just a technicality, but that's there.

9 And -- and also from a standpoint of square
10 footage in Ocean Grove homes, typically we have 30 by
11 60 lots which allows for a 24 by 47 on the average
12 dwelling footprint which is 1128 per floor times 2,
13 plus a 1/3 attic, 376 comes out to be 2,632 which is
14 not that different from the -- from 2,600 and 2,900,
15 basically, you're talking about 300 in change in square
16 footage difference from an average home.

17 So, I had to go take a closer look at this
18 and I had some assistance on the numbers. But I went
19 through the numbers myself and it's 26.3 percent.

20 MR. RUDELL: So --

21 MS. SHAFFER: I don't think -- I don't
22 think the average home is that large in Ocean Grove,
23 certainly the historic one. But there you have it. Go
24 ahead, I'm sorry, Jeffrey did I -- I interrupt you?
25 I'm sorry.

1 MR. RUDELL: No. I have a question. Mark,
2 I'm looking at your drawings. It looks like these are
3 July 5th, 2023. So the original drawings on your first
4 page you have floor calculations and it says total area
5 of the house is 16 --

6 MR. PAVLIV: Right. Right. That's July
7 5th. Since then we've eliminated the attic addition.
8 We eliminated the bedroom and the closets that were up
9 there. When we -- we netted all that out. We also
10 took the width of the house was narrowed on both sides,
11 so those area calculations were reduced. You're
12 looking at --

13 MR. RUDELL: No, no, no, no. Mark, I'm
14 looking at the existing conditions, not the proposed
15 addition. Your existing square footage on your first
16 drawing is 1,697.

17 MR. PAVLIV: Those calculations do not
18 reflect this page. We changed A2 and A4 for the
19 purpose of HPC's review of the exterior envelope. For
20 the purposes of mathematics, that table would have to
21 reflect this. We've gone through seven changes in --
22 in the height and width and setbacks and everything
23 else on this. So, that when you look at the actual
24 floor plan which is 8A4 and do the calculations and I
25 do have markups here, red mark, green mark sheets with

1 the calculations they -- they net the numbers which I
2 recited a few moments ago.

3 MR. RUDELL: Okay.

4 MR. PAVLIV: Not counting porches.

5 MR. RUDELL: Not -- yes, not counting
6 porches, of course. I'm -- I'm a little confused
7 still, but I -- I can't argue the math with you because
8 I'm not qualified to do that.

9 I don't understand how existing square footage
10 when you start first this project could be reduced
11 because you're not taking away or demolishing any
12 substantial part of this house. I can understand how
13 the calculations for the addition have changed because
14 you've remodified the additional space a number of
15 times. But --

16 MR. PAVLIV: We've -- we've eliminated the
17 attic square footage for habitable. We've eliminated
18 the -- the sides, the roughly 24 foot lengths on both
19 sides by a foot. Without going back a year in history
20 of all these -- these changes --

21 MR. RUDELL: Right.

22 MR. PAVLIV: -- I think there were a number
23 of square footages that have netted a floor plan. We
24 based the calculations on the current floor plan which
25 that has not been put into a table to be applied and

1 scanned onto the cover sheet from July whatever it was,
2 July 5th, whatever the date you had.

3 MR. RUDELL: Yeah. So, we're talking
4 around two different things. You're talking about
5 actual usable space in the house and you've decided to
6 use less space in the attic and change some space
7 because you -- you setback each side.

8 And I understand what you mean about usable
9 or room space that you've designed. I'm talking about
10 the mass of the original building compared to the total
11 mass of the proposed final building.

12 MR. PAVLIV: Okay. Well --

13 MR. RUDELL: The outside envelope of the
14 house doesn't change. The original house is remaining
15 the same on the outside and getting larger. And that
16 percentage does come out to about 41 percent. Now,
17 usable space is different. I absolutely agree with you
18 on that.

19 MS. HENDERSON: Jeff, if I can add -- add
20 one note. From the tax records currently for the
21 original house, it's 1,767 square feet is the interior
22 square footage.

23 MR. RUDELL: Yeah. I don't know how those
24 are calculated, so I can't introduce that -- that
25 figure.

1 MS. O'CONNOR: I -- I can tell you that I
2 have done this for 40 years and tax records are not
3 always correct.

4 MR. RUDELL: Okay.

5 MR. PAVLIV: The chances are where the
6 numbers different is because we have on the original
7 house on -- especially at the attic level very low
8 ceilings and newels. And we're looking -- we're
9 counting the actual floor plate as opposed to what you
10 would consider habitable which is either a 7 foot, but
11 according to the building department, a 7 foot ceiling
12 height and very often in zoning they look at it as 5
13 foot along the sides. So, that would -- that would
14 make up the difference between 21 and 17 quite quickly.

15 MR. RUDELL: Yeah. I -- I bring it up one
16 of the -- one of the things that you've come before
17 this Commission a number of times and you've made some
18 changes that were asked for. You removed the second
19 cross gable. You redesigned the back of the house to
20 sort of make it look less like a full standalone second
21 house attached. You've changed some roof lines.
22 You've made many, many alterations.

23 The one thing that you've not addressed
24 which came up in the very first meeting was the sort of
25 massiveness of the proposed addition, the -- the

1 largeness. And that, although the ornamentation and
2 the articulation of certain elements has been modified,
3 the house that you're proposing is still very large.
4 And that's one concern which I remain weighing on me
5 tonight during these deliberations.

6 MR. PAVLIV: Let me address this. This --
7 you're looking at an aerial shot --

8 MR. RUDELL: Yes.

9 MR. PAVLIV: -- correctly of the entire
10 block. And if you -- if you look carefully you'll see
11 numbers on each one, number 7, number 9, number 5 and
12 so forth. And in the core of this block, there are
13 about 5 residential structures down the middle. And if
14 you look at the alignment of what the rears are as
15 opposed to where 7 is, 7 is actually the smallest. And
16 what we're doing is we're bringing it into alignment
17 with number 11 and number 5. So, you know, we're not
18 -- we're not exceeding the -- the flare line. We're in
19 the same mass, same -- same bit. In fact, we are less
20 because we've been required to reduce the width of the
21 building on both sides where --

22 MS. O'CONNOR: And the height.

23 MR. PAVLIV: -- and the height, whereas, if
24 you look at, for instance, number 11 which was done in
25 2019, same vintage home, same era and number 11 there

1 was no change in the ridge from front to back. Gables
2 were permitted in that particular structure.

3 The -- in fact, there was a lot of things done on
4 this -- this -- this façade which I don't agree with,
5 but they had a door in the center. They had windows
6 that are aligning with each other. They have --

7 MR. RUDELL: I -- I think that that's not
8 an example that's helping you in the way you think
9 because I think a lot of people on the Commission agree
10 with that that is a --

11 MR. PAVLIV: Yeah. And they had no
12 setbacks and all of that. We've -- we've accommodated
13 all that. We've accommodated the setbacks the setbacks
14 and made it different.

15 And even though in the -- in the guidelines
16 there's no stipulation that we have to drop the ridge
17 line or setback in addition. We did that. We -- we
18 complied with that.

19 We're complying with the siding change too, so
20 it's a clearly different -- the addition is gonna have
21 the -- it's going to have the hardy horizontal planking
22 as opposed to the original asbestos which is on the
23 front of the -- of the drawing. So, there's going to
24 be a lot of distinction between what's new and what's
25 existing.

1 What we did do and repeat are the windows. And
2 that was as per your request.

3 MS. SHAFFER: Let's go ahead and talk about
4 that because we've -- we've gone over -- this is how
5 many? Is this our third meeting, our fourth meeting?

6 MS. OSEPCHUK: I think so, yeah.

7 MS. SHAFFER: It's a lot of meetings and
8 we've heard this - we've heard this again. And I -- I
9 think that we appreciate that you have made -- you've
10 made changes. But in -- in terms of what the court
11 issues are, I -- I am with Jeffrey that a problem is
12 that the proposed addition is -- is -- is so very large
13 in relation to the house. I also have problems with --
14 with the form.

15 I've articulated all of these things in previous
16 meetings. I don't see that any of that has changed.
17 I've see an addition that swallows the -- the historic
18 form of the back of the house, something that disturbs
19 an existing street scape that has been there for 100
20 years.

21 Again, these are -- the idea of the form and
22 intent of this building originally which the guidelines
23 ask us to pay attention to is -- is -- is being
24 destroyed essentially with this very, very large
25 addition whether you want to calculate it by livable

1 floor space --

2 MR. PAVLIV: Well --

3 MS. SHAFFER: -- or as Jeffrey is saying
4 where you think about how large this structure is.

5 MS. O'CONNOR: Sorry. I -- I totally
6 disagree with you and I --

7 MS. SHAFFER: I -- I would like to finish
8 what I'm saying. Just let me finish and you will have
9 your turn.

10 MS. O'CONNOR: Please finish, but I am
11 disagreeing.

12 MS. SHAFFER: So, again, you have a house
13 that's still on the back, looks much more like a front
14 façade. You have an addition that is larger than any I
15 recall us approving for a historic structure. And,
16 again, what it does is it -- it really alters what is
17 distinctive about the form of this key structure.

18 So those remain as they were before. My issues
19 with this proposal. Thank you. I'm sorry. Terrie, go
20 ahead.

21 MS. KEPLER: You have to unmute.

22 MS. SHAFFER: You're -- you're not --
23 you're muted. We can't hear you.

24 MR. PAVLIV: (Inaudible).

25 MS. O'CONNOR: I'm sorry. My neighbor's

1 house is -- my neighbor's houses all have extensions.
2 They are larger, they're wider, they're deeper, and
3 they were the original sister houses of mine. The old
4 houses on the block almost all of them have been
5 altered and many of them have been pushed out.

6 I don't understand how mine's become so massive.
7 We've shrunk it. We've done everything you could
8 possible ask us to do. And to make it viable, it --
9 it's -- and it's lovely. I don't understand what you
10 don't like about it. It -- we've changed it to look
11 more like the back of a house. It doesn't protrude
12 beyond what anybody else is doing.

13 I don't understand. I -- I feel very personally
14 attacked on this. I'm very sorry, but we've very hard.
15 I've spent a tremendous amount of money making changes
16 with Mark and he's been helpful in trying to guide me,
17 but I seem to hit a road block every time I come here.
18 And each time we have adjusted what we thought.

19 The only thing you're now talking about is your
20 subjective view that it's too big when my neighboring
21 houses are bigger.

22 MS. SHAFFER: I don't believe that you can
23 call what I'm saying subjective, but I -- I --
24 (inaudible).

25 MS. O'CONNOR: There's nothing -- there's

1 nothing in the -- there's nothing in the guidelines
2 that tells you how big or small the addition can be.
3 You are making a judgment call and I would call that
4 subjective. And I find it personally very unfortunate.

5 There's nothing about this that's gonna offend
6 anyone.

7 MR. RUDELL: Terrie, I'm gonna read you
8 something.

9 MS. O'CONNOR: The main house remains
10 exactly as it was.

11 MR. RUDELL: I'm gonna read you something
12 from the guidelines page 13, form, height, and mass,
13 item 2. Possession of all -- position of all proposed
14 additions -- positions, excuse me, "All proposed
15 additions so as to extend from the rear or sides of the
16 building unless demonstrated to be beneficial to
17 consistency and alignment with adjacent dwellings
18 fronts and are beneficial to the historic context of
19 the street scape or district."

20 We, as a Commission, have changed over the years.
21 We used to allow vinyl windows. We do not allow that
22 any longer. We used to allow, two months ago, INTEX
23 railings. They're now not conforming according to the
24 Uniform Construction Code, so we don't use that.

25 This Commission has learned from its experience

1 and learned from things like neighboring houses that
2 have been extended and blown out of proportion and the
3 original structures have been buried in additions.
4 We've learned from that.

5 Yes, it may seem unfair to you because you think
6 what you're doing is beautiful and appropriate.

7 MS. CONNOR: It is. It is beautiful.

8 MR. RUDELL: I -- I agree --

9 MS. CONNOR: I've been in the real estate
10 business for 40 years.

11 MR. RUDELL: If we're going to have a
12 conversation we have to take turns talking. If we're
13 gonna talk over one another it's not gonna work. So --

14 MS. SHAFFER: Then my notes that I have
15 talk about streetscape on page 5. And, again, I think
16 that's important about benefitting --

17 MS. OSEPCHUK: And let -- let Jeff finish,
18 please. Jenn, hang on.

19 MS. SHAFFER: Okay. I didn't hear. Go
20 ahead.

21 MR. RUDELL: Both (inaudible) elsewhere,
22 but what's important in which this commission has
23 leaned into occasionally on certain items like this
24 where it's not explicit is we lean into our precedent.
25 What have we done in the past? What have we asked of

1 other homeowners?

2 And what we have asked is that the additions
3 don't overwhelm current architectural or original
4 structures and that they seem to fit. We've asked that
5 of everyone who's come before us. I've only been on
6 this commission for four years. I can only speak to
7 those four years. But in all that time, the same rules
8 have applied to them as we're applying to you.

9 So, it may seem unfair to you because you want
10 what you want, but it is not unfair, just so we're
11 clear. You may disagree with it, but it's not --
12 you're not being treated unfairly.

13 Now, whether you disagree, that's fine. You are
14 -- you have the right to do that. There are parts of
15 this project which I think are absolutely stunning.
16 And Mark has made many accommodations that this
17 Commission has asked for. We're not talking about
18 those changes. Those are wins under your belt.

19 But the -- the item that we spoke to you about at
20 the very first concept meeting, before you even had an
21 application, we talked about the massiveness of the
22 structure. And your -- your response then like now was
23 this is what I want. I like it and I think it's
24 appropriate. And that's fine, you expressed yourself.
25 I appreciate that. But I don't know that you've

1 convinced me of the same opinion yet. That's all.

2 Please, you're welcome to speak if you'd like.

3 MS. O'CONNOR: I don't have anything to
4 say.

5 MR. RUDELL: Okay.

6 MR. PAVLIV: Well, I have an opinion too.
7 I can be subjective.

8 MR. RUDELL: (Inaudible). Go ahead.

9 MR. PAVLIV: And -- and -- and my feeling
10 is that with the changes, with the various things which
11 we've done, we have -- we're not competing with the
12 original structure. It's not overwhelming.

13 If the addition was, in fact, the same size or
14 twice the size of the original structure I would have
15 to agree with you. But forgetting about my numbers for
16 a second which is habitable space, the actual
17 dimensions, both, in width and height and in depth are
18 subordinate to the original structure as even that rear
19 porch is. The front porch is quite -- quite large. So
20 this really is a -- a smaller complement to the
21 original dwelling and does not extend beyond the site
22 line of the other structures in that grouping,
23 essentially, of that 5 structures in the center of that
24 block. And it doesn't -- it doesn't impose or
25 disregard the flare. We're -- we're actually set back

1 significantly from the flare. We've eliminated a roof.

2 And as you've noted, we've -- we've eliminated
3 the covered porch aspect which, I think, was -- was
4 thought of being an overwhelming add-on. There was a
5 discussion about a gull-wing and we eliminated the
6 gull-wing that -- that feature. That comment was made
7 and we -- we addressed it.

8 We've done all these different things. It's
9 probably a list of 100 items that had been changed over
10 the course of these seven redos. So, regardless, that
11 -- that -- we could share opinions and I'm sharing an
12 opinion. And -- and the owner can say it's beautiful
13 and it's -- it's lovely and all that. And that is --
14 it's great when our clients are happy with what they're
15 looking at.

16 But -- but looking at it objectively from a
17 standpoint of how big this -- this addition is, how
18 does it overwhelm the original structure and does it in
19 any way take away from the adjacent -- adjacent homes,
20 the residents along that strip?

21 Each one of them have a porch. Each one of them
22 have doors heading -- entering into the rear. We're
23 pretty much consistent with the rhythm and feel. The
24 only difference is we don't have a garage. We don't
25 have a garage door. We don't have triplet doors with

1 storage. Those things, I think, are, quite frankly,
2 offensive to the backs of lots of these structures.

3 And what we're trying to do here is not be
4 offensive, but try to pick up and compliment and repeat
5 elements of the original structure right down to the
6 articulation of the casing around the windows which has
7 to be done at great expense.

8 So, anyway, that -- that's my kind of view and
9 summation in my opinion. It is not overwhelming.

10 MR. MOYER: I'd like to jump in here.

11 MS. OSEPCHUK: Okay, Scott, because I would
12 like to say something as well. So, go ahead, Scott.

13 MR. MOYER: All right. I'll try to be
14 brief. I -- I appreciate that this is a -- one of the
15 most historic buildings in Ocean Grove and it's -- it's
16 place of providence. And I appreciate we've spent
17 hours now over three meetings discussing this
18 expansion.

19 I've largely sat quiet listening to the -- the
20 various comments and the counterpoints. I -- I feel
21 that each step of the way Mark and the homeowner have
22 been responsive to the Commission's concerns. It has
23 been scaled back in size. It is a double -- double
24 lot, front to back. It is not -- what they're
25 proposing is not inconsistent with other structures on

1 -- that are neighboring.

2 And I -- I feel like we need at this point to
3 figure out what -- where are we hung up and are -- or
4 are we at an impasse because we can't continue to have
5 these conversations because I feel like they have been
6 responsive to -- to this Commission's concerns and
7 questions. And at no point do I recall saying you must
8 reduce the size of this by X percentage or this.

9 I feel like they have made accommodation. So, I
10 feel like it is -- is becoming a bit torturous for
11 everyone involved if we don't resolve this. And -- and
12 I'm a little concerned about the direction that this is
13 going at this point because it feels like each meeting
14 it just gets pushed off, pushed off without saying
15 here's what we will accept. And they come back and
16 they propose and they say, well, we don't like this.

17 So, I -- I just encourage us to have some kind of
18 progress on this in a meaningful way and hopeful --
19 hopefully get some resolution on it because I -- I
20 think this is pushing the boundaries of what is
21 acceptable at least to me. So, I'll -- I will stop
22 there.

23 MS. SHAFFER: I think we'll have a vote on
24 it and I think that's what proposed having a vote in
25 the past. But I think that will resolve it. I have no

1 idea how that vote will turn out, so.

2 MS. OSEPCHUK: I think that will as well.

3 Kurt, I mean -- go ahead, I'll -- I would like to
4 hear from Kurt and then I would like to comment as
5 well. I'd like to hear from every member on this
6 Commission.

7 MR. CAVANO: So, Scott, thank you for that.
8 I hate to be the first one that takes a slightly
9 different opinion, but --

10 MR. MOYER: It's quite all right.

11 MR. CAVANO: I think -- I think the
12 homeowner and Mark have listened to what we've asked
13 for. I think the -- the addition sets back the way
14 that we want. They changed the roof line, so that we
15 can see where the old house was.

16 I'm especially pleased with the fact that the
17 back of the house is, while still a grand looking back
18 of the house, doesn't look like the front of the house
19 and it stepped it down with the doors and all that.

20 So, you know, I'm -- when I -- when I walk down
21 Ocean Avenue or Ocean Pathway and look at this house
22 and visualize where that addition is going to be, I
23 won't see it. And I think that it won't distract at
24 all from Ocean Pathway.

25 When I visualize going back to the back street

1 and looking at it compared to the other houses, even
2 pulled back to the extent that it is, it's still aligns
3 with three of the four houses that are next door to it.

4 And I'm, you know, this is a big addition. This
5 is a really big historic house, but it's being done
6 appropriately in the rear of the house and it's a
7 double lot.

8 And, so, I'm -- I'm actually think that we're in
9 a really good place on this and think that it's -- it's
10 -- it's as, you know, the homeowner wants a big house
11 and we would all love to keep smaller houses in Ocean
12 Grove, I understand that. But I don't think from a
13 massing point of view when I look at it from the front
14 or if I look at it from the rear it's massing
15 incorrectly with the way the rest of the houses are.
16 That's just the way, you know, when I look at it it --
17 it feels to me especially now with the changes that
18 have been made to scale it down, change the roof lines
19 where I can see where the old house was.

20 Yeah, it's a big house. But it doesn't
21 overwhelm. It certainly doesn't change the view on
22 Ocean Pathway and it doesn't overwhelm the back. So,
23 I'm -- I'm okay with it where we are now. And I think
24 they've done a good job getting to where we are.

25 And I think we should either vote on it and say,

1 yeah, this is good or not, but I'm -- I'm -- I'm in a
2 place that says, given where they are, I would vote for
3 this.

4 MS. OSEPCHUK: Okay. Thank you, Kurt.

5 I hate to disagree with you, Kurt, but I have to.
6 From the very beginning from the concept to the very
7 first step, the massing was always a consideration. It
8 has always been a consideration.

9 Yes, Mark has dropped it down. I don't know if
10 it's enough. Mark has pulled it in minimally. It has
11 not diminished in size to any great degree.

12 When you talk about where this opinion comes
13 from, I went back to the Department of the Interior
14 Standards which is what our guidelines and our
15 ordinance is based on. And they talk about an addition
16 as being subordinate to the historic building, that it
17 should be not visually overwhelming, so that the
18 original building itself does not lose its character.
19 And I feel that this addition is so massive that that's
20 exactly what it's gonna do.

21 I know people want big houses, everybody wants it
22 - I guess everybody wants a big house, I don't know.
23 When you construct an addition on a secondary or a non-
24 character finding elevation, I still think you have to
25 be limiting in the size and scale of what you do.

1 Everyone seems to think that this building is not being
2 pulled out that much. Nobody seems to compare it to
3 the house that's to the west. It will overwhelm the
4 house to the west. It has no relationship in terms of
5 blocking light view. That's gonna happen right away to
6 that house that's to the west.

7 We keep looking at the house to the east, but
8 nobody seems to look at the house to the west in terms
9 of how this new house or this new addition is going to
10 impact that in terms of the streetscape.

11 New construction, we're supposed to consider the
12 mass, the proportions, the styles, the (inaudible), the
13 relationship to the size and the scale of the building.
14 And I think this is very oversized.

15 I think that there were ways to get more space,
16 whatever it was that the applicant needed without
17 putting, basically, what amounts to almost another
18 house on the back of this house.

19 And, so, Kurt, excuse me, but I'm not where
20 you're at. I'm really not. All of the changes that
21 have been made and I know we've asked for them, you
22 know, we're trying -- we were trying so hard to
23 minimize the appearance of this addition, take off the
24 gull wing, maybe don't put a covering over the second
25 floor porch, make it not look so much like it's a house

1 -- another house that you would find in Ocean Grove.

2 Everybody was working very, very hard to achieve
3 this including Mark. And I'm sorry, I just don't think
4 it happened. I think it's still massive. I think the
5 back of the -- this structure still looks like the
6 front of a structure. And I think -- I just think that
7 the massing is totally oversized. So, I would not be
8 able to go through this application.

9 MS. SHAFFER: Deb, may I make a quick
10 comment before we hear from Cindy and --

11 MS. OSEPCHUK: And Doug?

12 MS. SHAFFER: I guess Doug.

13 MS. OSEPCHUK: Yes.

14 MS. SHAFFER: I also -- I also think that
15 -- I understand that concessions have been made by the
16 applicant, but we can't -- we can't say, oh, they've
17 made some concessions, so we're gonna give it a go. I
18 do not believe that this application conforms to our
19 guidelines. I don't have feelings about this house.

20 I -- I think about the application and I -- I do
21 not think that it conforms for reasons that we've said
22 again and again. And I acknowledge that the applicant
23 has -- has worked to bring this into conformity, but it
24 is not. And even though some changes have been made,
25 we can't then say, okay, we've tried and now we'll just

1 call it -- call it even.

2 I also am disturbed by the idea that the idea is
3 that we can take the -- the backs of all of these
4 houses and have them aligned. Historically, they --
5 they have not been in alignment, so I don't know why
6 that would be something that would be appropriate for
7 historic streetscape. Thank you.

8 And, Cindy and Doug, go for it.

9 MS. HEINLEIN: I --

10 MR. MACMORRIS: Go ahead.

11 MS. HEINLEIN: We have worked very hard
12 with Mark and the applicant to -- to try to find --
13 find a way to minimize the -- the appearance of -- of
14 the -- this addition. And it -- but the size of it,
15 yes, it was moved in some and it was lowered, but the
16 -- the depth of it is still the same. And so the
17 massing is -- has -- has come down minimally.

18 I have to agree, it's -- it over -- it does still
19 look like it's a second house on the back of -- of the
20 original house. It's the -- it -- it does not look
21 like a rear of a house anymore. I -- the massing is
22 just too big. So, I -- I'm -- I don't think I can
23 support it at this time.

24 MS. OSEPCHUK: Doug.

25 MR. MACMORRIS: Okay. I'm kind of with

1 Scott and Kurt on this. I think it fits. I can only
2 -- I went down and looked at it. I've looked at it
3 from every different angle. I agree it's too big, but
4 it fits on that lot. I'm going with that, not that it
5 helps, but --

6 MS. OSEPCHUK: All right. So, then,
7 basically, since we've heard from every member on the
8 Board, I think what we now should do is call for a
9 vote. Wait a second, I'm sorry. Anyone in the public
10 have anything to say?

11 Heather, do you see anybody? No. Okay.

12 All right. I'll close the public portion then.

13 Then, basically, what I need is a motion to
14 either accept or a motion to deny.

15 MR. MOYER: I make a motion to accept.

16 MS. OSEPCHUK: Okay. I need a second.

17 MR. CAVANO: I'll second that.

18 MS. OSEPCHUK: Okay. So, everyone be aware
19 that if you vote yes, this is a motion to accept. If
20 you vote no, then you are basically saying you do not
21 support this application, okay, just so that we're
22 clear.

23 All right. Heather you want to call roll?

24 MS. KEPLER: Okay. Jenny Shaffer, a motion
25 to accept?

1 MS. SHAFFER: I vote no because I do not
2 accept the application.

3 MS. KEPLER: Okay. Scott, you motioned, so
4 that's a yes.

5 Deborah Osepchuk, a motion to accept?

6 MS. OSEPCHUK: No, I do not accept. I feel
7 that addition is totally oversized and not -- and will,
8 basically, destroy the historic character of this very
9 significant Ocean Pathway house.

10 MS. RIZZUTO: Excuse me.

11 MS. OSEPCHUK: We're voting.

12 MS. RIZZUTO: I need to tell Heather,
13 Heather, even though people motion and second, they
14 have to vote on the application.

15 MS. OSEPCHUK: Oh.

16 MS. KEPLER: Oh, they do.

17 MS. OSEPCHUK: Thank you.

18 MS. KEPLER: Then Scott Moyer, it's a
19 motion to accept?

20 MR. MOYER: Yes.

21 MS. KEPLER: Thanks. Kurt Cavano, a motion
22 to accept?

23 MR. CAVANO: Yes.

24 MS. KEPLER: Douglas MacMorris, a motion to
25 accept?

1 MR. MACMORRIS: Yes.

2 MS. KEPLER: Jeffrey Rudell, a motion to
3 accept?

4 MR. RUDELL: I'm sorry, I'm gonna have to
5 say no for reasons already stated and, specifically,
6 for the reason that the applicant and the architect,
7 both, were presented with this objection early on and
8 have diligently done all the other changes we've made,
9 but have not really addressed this one. So, I'm sorry,
10 I have to say no.

11 MS. KEPLER: Okay. And, Lucinda Heinlein,
12 a motion to accept?

13 MS. HEINLEIN: No, for the reasons that --
14 that Jeff and Jenny have already stated.

15 MS. KEPLER: Okay. So, the vote is four
16 for not accepting the motion to accept the proposed
17 work and three to accept, so the motion to not accept
18 it carries.

19 MR. OSEPCHUK: Okay. So, basically, what
20 can happen now is an appeal can be made to the Zoning
21 Board. And whether or not this Board was arbitrary and
22 capricious in their decision is, basically, what they
23 will decide.

24 Heather, what's the -- the deadline? In other
25 words, when do they have to file their appeal by? Is

1 it 45 days if they wanted to?

2 MS. KEPLER: It's 45.

3 MS. OSEPCHUK: Forty-five.

4 MS. KEPLER: Forty-five days.

5 MS. OSEPCHUK: Okay. All right. So that
6 would be the next step.

7 MR. SIMONE: Your attorney has to do that.

8 MS. OSEPCHUK: Okay. So --

9 MS. SHAFFER: That's a choice you have.
10 You don't have to do it I don't think.

11 MS. OSEPCHUK: It's totally your choice.

12 MS. O'CONNOR: Well, the choice is I don't
13 do it unless it's done with the way you all presume it
14 should be done. And when you say we didn't follow your
15 guidelines, when we shortened the house, when we
16 narrowed the house, and we lowered the house, we did do
17 those things. So, I'm very much disagreeing with you.

18 I will have my attorney file an appeal. I've
19 already spoken to him about whether we can sue you or
20 not. We're working on all of that.

21 I don't find any of your comments to be helpful.
22 I don't think we did anything to disturb the beauty of
23 the existing house and I treasure it. I bought that
24 house because I wanted to fix it up. It was a dump.
25 And we're trying to live in it and make it a big more

1 normal. And more in today keeping as far as lifestyle
2 inside, pushing it out the back and into a whole vacant
3 lot which is mine going through the back. I don't see
4 how that was offensive to anyone.

5 My neighbors are not unhappy with me. But you
6 will hear from us. We will file an appeal. And I will
7 be working with an attorney and I may wind up suing you
8 because I have been -- felt and -- and still feel that
9 you have personally made judgments that are just not
10 valid. What is massive to you? You're subjective.

11 MS. RIZZUTO: Okay. Ms. -- Ms. O'Connor,
12 thank you, but the record is closed. Thank you.

13 There should be no response to Ms. O'Connor.

14 MS. OSEPCHUK: Okay. Thanks, Anne Marie.

15 (Proceeding concluded)
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