

**ZONING BOARD OF ADJUSTMENT
MARCH 26, 2015**

PRESENT: Mr. Hutchinson, Mr. Fitzgerald, Ms. Casserly, Mr. Lisko, Ms. Young, Mr. Cupoli, Mr. Fowler, Mr. Greig and Mr. Ross

ABSENT:

ALSO PRESENT: Board Attorney Kevin Kennedy, Esq., Board Secretary April Claudio, and Zoning Officer Ted Bianchi

The secretary stated that adequate notice of this meeting of the Zoning Board of Adjustment was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on December 22, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Cupoli made a motion to waive the reading and approve the minutes of the February 26, 2015 regular meeting, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Mr. Hutchinson, Ms. Casserly, Mr. Lisko, Ms. Young, Mr. Cupoli, Mr. Fowler

NAYS:

ABSTAIN: Mr. Fitzgerald

Ms. Young made a motion to waive the reading and approve the resolution granting approvals to First Equity Investments, 112 13th Avenue, which was seconded by Ms. Casserly and approved by the following vote:

AYES: Mr. Hutchinson, Ms. Casserly, Mr. Lisko, Ms. Young, Mr. Cupoli, Mr. Fowler

NAYS:

ABSTAIN: Mr. Fitzgerald

Ms. Young made a motion to waive the reading and approve the resolution dismissing the application of Kanelia Dallaportas, 1006 Main Street, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Fitzgerald, Ms. Casserly, Mr. Lisko, Ms. Young, Mr. Cupoli, Mr. Fowler

NAYS:

ABSTAIN:

STEWART & SUSAN FERNANDEZ – 1001 B STREET

Appearing for this application was attorney William Shippers, architect Mary Hearn and property owner Stewart Fernandez

Mr. Fernandez stated the property has been in his family for over 70 years. The existing house is very old and small. He would like to build a new single-family home.

Ms. Hearn submitted some photo boards of the existing site and neighborhood. She explained the lot is only 2500 square feet in an R75 zone that requires 7500 square feet. She tried to figure out how to design a modest house with an attached garage and some offsite parking on such a small lot. She explained the interior floor plan. The driveway is not in compliance with what is required for a full parking space but functionally one small car could park in front of the garage. The new house would comply with the side yard setbacks but variances are required for rear yard setback of only 5 feet when 40 feet is required. There is a small portion of the back of the garage that is only 4 feet from the rear property line. The front yard setback also requires a variance but fits in line with the existing house and neighboring houses on the block. The existing house has 10 nonconformities and they are requesting 9 variances.

Variances being requested are: lot coverage, lot frontage, building coverage 53.8%, impervious coverage 58.8%, floor area ratio 92%, onsite parking, front yard setback to house, front setback to porch, front setback to attached garage, and rear yard setback.

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Ms. Hearn stated there is no room for drywells so the only way to mitigate storm water is to install a shallow underground drainage system connected to leaders and downspouts into the front yard. The property will be re-graded and re-landscaped.

The proposed house is 2300 square feet which is slightly bigger than the existing house but with more ceiling height and usable rooms. Ms. Hearn stated part of the reason for the increase in building coverage is because of the garage and front porch.

Mr. Fowler asked Mr. Bianchi if there are any issues with the half story. Mr. Bianchi replied no. Mr. Fowler asked if the garage would be used for anything besides a car. Ms. Hearn stated it is only 11x19 and could not fit much more than a car. She added that it will not be heated. Mr. Fowler asked about the location of the a/c condenser. Ms. Hearn stated their proposed a/c unit is within their neighbor's 40 yard rear setback so it is not near any structures.

Mr. Cupoli asked if the garage could be moved forward so the a/c condenser could be moved forward. Ms. Hearn stated they would lose a parking space.

Ms. Young stated she is concerned about the building coverage and floor area ratio and would like to hear what any of the neighbors might have to say.

Ms. Casserly clarified that there is no onsite parking now but two would be proposed. Ms. Hearn agreed.

Mr. Fitzgerald clarified that some of the existing non-conformities are being bettered and only one is being made slightly worse. Ms. Hearn agreed.

Mr. Hutchinson stated he loves the design however is concerned about a 2300 square foot house on a 2500 square foot lot.

Mr. Greig did not agree with Mr. Cupoli's suggestion of reducing the size of the porch because it would make it unusable. He suggested rather that the applicant agree to install an a/c unit that produces lower decibels.

Ms. Hearn stated she could eliminate the bump out on the first floor for the washer and dryer and move them to the second floor. This would allow for the bump out to be pushed in and to move the a/c units into that area which gives it a buffer. It will still require a setback variance but will be further from the property line than originally proposed.

Mr. Ross asked if the shower on the second floor would sit above the new a/c unit area would be brought in too. Ms. Hearn stated that would cantilever over that area and act as a buffer to the a/c units which will make them last longer.

Public:

Joe Shaiman, neighbor and engineer, 300 11th Avenue, stated he reviewed the plans with Mr. Fernandez and likes the plan. The house across the street from them did a similar project. The proposed location for the a/c units is far away from any neighboring structure and won't affect anyone. There is heavy shrubbery in the rear of the property that would act as an additional buffer.

Board Comments

Mr. Fowler stated he understands their needs and their hardships and understands his concerns of other board members. He feels the house is tastefully thought out and would be a nice addition to the block.

Mr. Cupoli stated he is in favor of the application and feels they did a great job with such a small lot.

Ms. Young stated she is in favor of the application. Ms. Casserly agreed.

Mr. Fitzgerald stated we have to allow people to rebuild on these small lots and have to allow exceptions like this from time to time.

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Mr. Hutchinson stated he is in favor of the application given the fact that they worked with the Board and make the adjustment to the back.

Mr. Greig stated if he would be voting he would vote in favor of the application.

Mr. Ross pointed out that there is already a house on the lot that exacerbates the requirements and the footprint is not increasing much.

Mr. Lisko stated he appreciates their willingness to work with the board and appreciated there are no second and third floor decks on the home.

Ms. Young made a motion to approve the application, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Fitzgerald, Ms. Casserly, Mr. Lisko, Ms. Young, Mr. Cupoli, Mr. Fowler

NAYS:

ABSTAIN:

ANTONIO & TINA ALMEIDA – 506 EIGHTH AVENUE

Ms. Casserly announced she would be stepping down from this application because she has a professional connection with the applicants. Mr. Greig took her place.

Appearing for this application was attorney William Shipers, architect Mary Hearn and the applicants. Ms. Hearn submitted a photo board of the existing site and neighborhood.

Mr. Almeida stated he and his wife purchased the property in June 2014. The property currently has two structures on it. The property is now owned by them and his parents. The plan is to have a property that will be in their family for multiple generations. He and his family have been tenants in Belmar for many years and spent many summers in Belmar. Both homes are in excellent condition but are very small and not conducive to today's living standards. The rear house is in good condition and has two bedrooms, one and a half bathrooms and has had a renovation done to the kitchen.

Ms. Hearn discussed the existing floor plan of the front structure. She stated if they didn't have a back house they probably wouldn't be before the board except for maybe one variance. Because of the back house they are over on building coverage. The proposal is to remove an old addition that was put on in the 70's and add a new bigger two story addition at the rear of the front house. There are two existing very large outdoor showers that would be removed. The plan also includes rebuilding the interior staircase from the first floor to the second floor, renovate the first floor to match up with the addition, renovate the second floor bedrooms, add two bathrooms, redo stairs to attic and keep the attic as a loft area with a room off the back in the new addition for the mechanicals. The total square footage of the front structure once renovated and the addition put on would be 2849 square feet. The addition would only be a 6 foot extension off what currently exists. One nonconformity would be removed and only three variances are required, two of which are existing conditions.

Mr. Shipers stated there is plenty of parking on the property. Ms. Hearn stated there are five spots.

Mr. Hutchinson stated it is a very pleasing design and they aren't asking for much.

Mr. Fitzgerald asked if any exterior renovations will be done to the rear structure so it matches the front. Mr. Almeida stated he would plan to do so over time. He stated the front porch would probably be redone to match the front porch on the front structure. Mr. Shipers stated the color scheme would match.

Mr. Greig asked about the location of the a/c units. Ms. Hearn stated they comply with the setback requirements and will be elevated because the property is in a flood zone.

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Ms. Young asked if anyone would be living on the property year round. Mr. Almeida stated over the next few years his parents will be moving into the house and him and his wife will be using it as a second home and may move into it full time eventually.

Mr. Fowler asked if any other work is being done to the rear dwelling. Ms. Hearn replied no. Mr. Fowler asked if anyone is living in the rear dwelling. Mr. Almeida stated they do have a year round tenant living there.

Mr. Ross asked if the property will comply with flood regulations. Ms. Hearn replied yes. She added the property is only inches in the flood zone.

Mr. Bianchi stated the flood map the Borough uses now shows the property is fully in a flood zone and it will not change. Ms. Hearn stated they will comply with flood regulations.

Public

Irene McCann, 529 Eighth Avenue, has lived in her home for 49 years and is very familiar with the history of this property. She stated it has always been a rental and was owned by a family in Portugal. The house has been a problem for many years. Neighbors are concerned about the house being a rental and it becoming a summer rental specifically. The back house has had many problems with the police department.

Mr. Shipers stated they are investing \$400,000 in the property and wouldn't want to make it an animal house. He added that since his clients purchased the property there have been minimal problems.

Board Comments

Mr. Hutchinson agrees someone willing to spend this much money on a house isn't going to rent it out to a bunch of 20 year olds.

Mr. Fitzgerald agreed and stated he sees no reason to not approve this application.

Mr. Greig agreed and stated it will be an improvement to the neighborhood.

Ms. Young stated she is in favor of the application and added that they can't vote on what ifs and what may happen to the property down the road.

Mr. Cupoli stated he is in favor of the application.

Mr. Fowler agreed with the other board members.

Mr. Ross stated the changes are very minor in the grand scheme. He feels the price of the improvements shouldn't have any merit in the Board's decision but he is in favor of the application.

Mr. Lisko stated he is in favor of the application.

Mr. Fitzgerald stated the vote is not being based on the amount of the renovation but the fact that the economics of renting doesn't make sense knowing how much it is going to cost to improve the property. The probability of it becoming a rental is more likely if it is not rented.

Ms. Young stated her decision is being made based on the number of variances and not whether or not it will be a rental.

Mr. Greig made a motion to approve the application, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Fitzgerald, Ms. Casserly, Mr. Lisko, Ms. Young, Mr. Cupoli, Mr. Fowler

NAYS:

ABSTAIN:

At approximately 9:23 pm the Board took a 10 minute recess.

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Roll call was taken by the Board Secretary. Mr. Ross had left the meeting.

Mr. Greig stepped down and Ms. Casserly rejoined the Board.

DANIEL & KERRY MCCARTHY – 1907 SNYDER AVENUE

Appearing for this application was Mr. McCarthy and his architect Mark Fessler. Mr. Fessler submitted photos of the existing site and neighborhood.

Mr. McCarthy stated he purchased this home after Hurricane Sandy. Twelve years ago he bought a house in Lake Como that they used for the summer which was destroyed by Hurricane Sandy. Had to turn the house back into a rental because he lost so much money on the house with not having flood insurance and having to do renovations. Found the house at 1907 Snyder that he purchased in May of 2013. Wants to bring his family back to the shore in the summers. Would like to raise the house, make it livable, and add some parking.

Mr. Fessler stated the property is only 2369 square feet where 4000 square feet is required. Existing non conformities are side yard setbacks, building coverage, impervious coverage (will be reduced), and front yard setback. The house would be raised 6 feet to allow for parking under the front of the house in an area like a carport with a garage towards the back also underneath the house. Would be able to have 3 parking spaces on site now. Need a variance for dormers because it allows them to get usable living space. The house is being redone but nothing is being added. There is no increase in footprint. Also would like to add an elevated deck in the back so they have some usable rear space while complying with the rear yard setback.

Mr. Fowler clarified that they are elevating the house, adding a rear deck and creating a carport and garage. Mr. Fessler agreed. Mr. Fowler asked if the garage would be heated. Mr. Fessler stated it can only be used for storage and there is no interior access from the house to the garage. Mr. Fowler asked about storm water management. Mr. Fessler stated they will be removing a lot of concrete which will allow water to drain towards the street. He added that the water table would not permit a catch basin or drywell.

Mr. Cupoli asked if the electric can go underground. Mr. McCarthy stated he would like to see if it can be put underground because the wires currently run close to his roof. His neighbor is also elevating and has spoken to him about him running his service underground as well.

Mr. Fowler asked about the location of the a/c condenser. Mr. Fessler stated it is at the very far back of the house next to the deck, 3 feet from the property line, but in line with the house.

Ms. Casserly asked how much the deck is of the building coverage. Mr. Fessler stated the deck is 8x14 but there's a 3 foot walkway in order to get to the deck. Ms. Casserly asked if it will be used in the winter. Mr. McCarthy stated it would not be rented and may be used by his family but not often.

Mr. Fessler added that they also need a variance for the curb cut which is greater than the 12 feet permitted.

Mr. Hutchinson asked what will be under the deck. Mr. Fessler stated it will be decking.

Mr. Greig asked about the materials on the exterior. Mr. Fessler stated it hasn't been decided yet but will all be maintenance free. Mr. Greig thought an 18 foot curb cut would be better than 16. Mr. Fessler stated 16 works for them and didn't want to push it. Mr. McCarthy would like to change it to 18 feet.

Mr. Lisko asked if the parking spaces are all legal spaces. Mr. Fessler replied yes. Mr. Bianchi clarified that the whole parking area requires a variance because it is wider than a typical driveway. Mr. Lisko asked for a list of all of the variances. Mr. Fessler stated curb cut, a/c condenser setback, dormer width, building coverage, side yard setback, front yard setback, and lot size. Mr. Lisko asked about a variance for the driveway. Mr. Bianchi stated it's a carport which doesn't require a variance. Mr. Fessler stated there is also a deck on the dormer in the front of the house.

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Public

Isabel McLoughlin, 1900 B Street, agent for her mother Elizabeth McLoughlin, stated their concerns are the side yard setback. She discussed municipal land use law and the types of things to take into consideration when approving variances. Feels a smaller house could be built to comply with the setbacks. Feels there are no positives in granting approval to this application.

Mr. Fessler stated this is an existing house that violates the setback already and is just being elevated. The foot print is not being made bigger.

Mr. McCarthy stated he will be a good neighbor.

Board Comments

Mr. Fowler stated he is terribly sorry to hear what has happened to his family but is encouraged by the fact they want to stay in the community. He is in favor of the application.

Mr. Cupoli stated he is in favor of the application and feels it will look great and be a big improvement.

Ms. Young stated she is in favor of the application. Ms. Casserly agreed.

Mr. Fitzgerald welcomed Mr. McCarthy to Belmar.

Mr. Hutchinson stated he is in favor of the application as it is not exacerbating any of the conditions.

Mr. Greig stated it is a difficult lot to work with and would be in favor of the application. Mr. Lisko agreed.

Mr. Cupoli made a motion to approve the application, which was seconded by Ms. Young and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Fitzgerald, Ms. Casserly, Mr. Lisko, Ms. Young, Mr. Cupoli, Mr. Fowler

NAYS:

ABSTAIN:

Mr. Fitzgerald made a motion to adjourn the meeting, which was seconded by Mr. Cupoli and approved unanimously.