

ZONING BOARD OF ADJUSTMENT
OCTOBER 22, 2015

PRESENT: Mr. Hutchinson, Mr. Greig, Mr. Cupoli, Mr. Lisko, Mr. Fowler

ABSENT: Ms. Young and Mr. Fitzgerald

ALSO PRESENT: Board Attorney Kevin Kennedy, Esq. and Board Secretary April Claudio

At approximately 7:20 p.m. Mr. Ross made a motion to go into executive session, which was seconded by Mr. Cupoli and approved unanimously. The purpose of the executive session was to discuss litigation involving the application of Jack Marino, 1902 B Street.

At approximately 7:30 p.m. 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. Greig made a motion to approve the minutes of the September 24, 2015 meeting, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Mr. Ross, Ms. Casserly, Mr. Hutchinson, Mr. Lisko, Mr. Greig, and Mr. Cupoli

NAYS:

ABSTAIN: Mr. Fowler

Ms. Casserly made a motion to waive the reading and approve the resolution granting approvals to NY SMSA Limited Partnership DBA Verizon Wireless, 917-919 Main Street, which was seconded by Mr. Greig and approved by the following vote:

AYES: Mr. Ross, Ms. Casserly, Mr. Lisko, and Mr. Greig

NAYS:

ABSTAIN: Mr. Fowler

INELIGIBLE: Mr. Hutchinson and Mr. Cupoli

Mr. Greig made a motion to waive the reading and approve the resolution granting approvals to Linda McNamara, 116 North Blvd., which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Mr. Ross, Ms. Casserly, Mr. Hutchinson, Mr. Lisko, Mr. Greig, and Mr. Cupoli

NAYS:

ABSTAIN: Mr. Fowler

Mr. Kennedy stated we previously adopted a resolution approving the application of Keith Kleissler at 207 12th Avenue. Mr. Kleissler sent a letter asking if the condition regarding the abandonment of the two-family use be amended to say that it not take effect unless he acts on the approvals via the issuance of a construction permit. He also sent a letter regarding the condition that there will not be any water in the garage. He would like to have a cold water line to the garage to connect a spigot. If the Board finds these changes acceptable he will modify the resolution and send it to the applicant. Mr. Hutchinson made a motion to approve these changes, which was seconded by Ms. Casserly and approved unanimously.

Mr. Kennedy stated we previously adopted a resolution for Riverwood Holdings LLC/Guido Salandra, 405 14th Avenue. Part of the resolution was that we have the resolution recorded with the Monmouth County Clerk's office, which he will handle. Bill Shippers, attorney for the applicant, found some typos in the resolution that he would like to change before he has the resolution recorded. Mr. Greig made a motion to authorize the changes be made, which was seconded by Ms. Casserly and approved unanimously.

KEITH & JENNIFER WAGNER, 1211 BRIARWOOD ROAD

Mr. Kennedy stated this application is a continuation from the last meeting. Ms. Wagner stated her architect re-did the plans to show the side yard setback. The setback would be 2.2 feet to the

ZONING BOARD OF ADJUSTMENT
OCTOBER 22, 2015

staircase. She would like to keep it this way rather than moving the staircase to the rear because if they move it to the rear then they would have to reduce the size of the rear deck.

Mr. Cupoli asked what the other side yard setback would be. Ms. Wagner stated it is 4.6 feet.

Public: none

Board Comments:

Mr. Cupoli asked if the shed will be removed. Ms. Wagner replied yes. Mr. Greig stated he sees the need for their plan and is in favor of it. Ms. Casserly thanked Ms. Wagner for being patient with the board and is in favor of the application. Mr. Ross stated he is in favor of the application, Mr. Hutchinson agreed. Mr. Lisko stated he is in favor of the application and is glad she straightened out the issue.

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

AYES: Mr. Ross, Ms. Casserly, Mr. Hutchinson, Mr. Lisko, Mr. Greig, and Mr. Cupoli

NAYS:

ABSTAIN: Mr. Fowler

Mr. Kennedy prepared a resolution as discussed at the last meeting that outlines the approvals of the application. He summarized the contents of the resolution into the record.

Ms. Casserly made a motion to approve the resolution, which was seconded by Mr. Ross and approved by the following vote:

AYES: Mr. Hutchinson, Ms. Casserly, Mr. Ross, Mr. Lisko, Mr. Greig, Mr. Cupoli

NAYS:

ABSTAIN: Mr. Fowler

B STREET PROPERTIES LLC – 1002 B STREET

Appearing for this application was attorney Steven Gleason and property owner Bradley Beach. Mr. Cupoli stated he did electrical work on this property a few years ago and stated he would recuse himself and left the dais.

Mr. Gleason stated the property is currently being used as a multi-family use which is a legal non-conforming use. Their application is not an expansion of a non-conforming use. There will be no changes to the structure. The proposed improvements diminish the effect of the multi-family use on the neighborhood. The proposed improvements are to replace the driveway with pervious pavers and to expand the driveway with additional pervious pavers to create a parking area. This proposal will help alleviate the on street parking situation by moving cars off the street. It also reduces the impervious coverage by the using of pervious pavers.

Mr. Beach stated he purchased the property with his father about two years ago. They did some renovations to the structure. The property is rented as a yearly rental. He resides on 13th Avenue and has lived there for 14 years.

Mr. Hutchinson asked how many units are on the property. Mr. Beach stated there are 4. Mr. Hutchinson asked how many cars could park on the property with the proposal. Mr. Beach stated it would add parking for 3 additional cars.

Mr. Ross asked for clarification on the parking layout. Mr. Beach stated there would be a parking area in the rear for three spots and then one in the garage. Nobody would be parked in the driveway. Mr. Ross asked for clarification on the impervious coverage calculation. Mr. Gleason confirmed they would get the 50% credit towards the coverage calculation by using pervious pavers. Mr. Ross stated Mr. Bianchi had made a comment on the minor land use application stating the garage can only be used for parking. Mr. Beach stated before he purchased the property someone may have attempted to do work in the garage but that is not his intention. He will use it as a garage only.

ZONING BOARD OF ADJUSTMENT
OCTOBER 22, 2015

Ms. Casserly asked about drainage. Mr. Beach stated he has no issues currently.

Mr. Greig asked for a total number of bedrooms on the property. Mr. Beach stated there are a total of six bedrooms.

Mr. Fowler asked what the driveway is made of now. Mr. Beach stated it is concrete. Mr. Fowler asked how many cars can park in the driveway now. Mr. Beach stated one. Mr. Fowler asked when construction would start. Mr. Beach anticipated possibly in the spring.

Public: none

Board comments:

Mr. Hutchinson stated it makes a lot of sense. Mr. Ross stated he is in favor of the application. His only concern was that they stick to installing pervious pavers. Mr. Kennedy stated that have stipulated to that condition. Ms. Casserly stated she is in favor of the application. Mr. Greig agreed with Mr. Ross. Mr. Fowler stated he is in favor of the application. Mr. Lisko stated it is a very well maintained four unit property and this will only benefit it and therefore he would be in favor of the application.

Mr. Kennedy added that the resolution should include that this is technically an expansion of a non-conforming use even though the structure isn't being expanded.

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

AYES: Mr. Hutchinson, Mr. Ross, Ms. Casserly, Mr. Lisko, Mr. Greig and Mr. Fowler

NAYS:

At approximately 8:24 pm the Board took a 10 minute recess. Mr. Cupoli rejoined the Board. At approximately 8:31 pm roll call was taken; all were still present.

ROBERT GRAY/LAURETTE ASSOCIATES – 605 11TH AVENUE

Appearing for this application was attorney E. Thomas Brennan, and Brett Yarusi of Laurette Associates. Mr. Brennan clarified that Mr. Gray is the property owner but Laurette Associates is the applicant and contract purchaser.

Mr. Kennedy discussed the law regarding vacant undersized lots.

Mr. Brennan submitted a variance chart as well as letters to adjoining property owners asking if they wish to purchase the property. Mr. Yarusi stated he is the contractor purchaser and would like to build a house on this vacant lot. Mr. Brennan submitted two photos of houses that are similar to their application.

Mr. Brennan and Mr. Yarusi discussed the variances being requested which are: lot size, lot width, and side yard setback.

Mr. Yarusi stated he plans on offering one of his sons to purchase the home or put it on the market for sale as a starter home.

Mr. Brennan submitted a chart identifying lots with less than 50 feet frontage on the same block.

Mr. Fowler asked what the building height would be. Mr. Yarusi stated he is allowed 35 feet but may be slightly under that. Mr. Fowler asked about water runoff. Mr. Yarusi stated water will drain from roof to the curb. Mr. Fowler asked about the location of mechanicals. Mr. Yarusi stated the mechanicals will be in the basement and the a/c condensing unit at the rear of the house.

Mr. Cupoli asked if there is an electrical pole in the front or rear of the property. Mr. Yarusi stated he was not sure. Mr. Cupoli asked if there is a pole in front of the property could the electric be placed underground. Mr. Yarusi stated he would do it if the pole is at the front of the property but not if it's at the rear.

ZONING BOARD OF ADJUSTMENT
OCTOBER 22, 2015

Mr. Greig asked if anyone had responded to one of those letters to purchase the property would they have said yes. Mr. Yarusi replied yes.

Mr. Greig asked if a parking variance is required. It was determined that one is not required as there will be enough for two parking spaces.

Ms. Casserly asked when construction would start. Mr. Yarusi stated he would probably start in the spring.

Mr. Greig asked if the driveway could be made of pervious pavers. Mr. Yarusi replied yes.

Mr. Ross asked about a generator listed on the minor land use application. Mr. Yarusi stated if he installs one he would have to comply with the five foot setback.

Public: none

Board Comments:

Mr. Fowler stated is familiar with the former house that was on the lot and sat abandoned for several years. The proposal would be a significant improvement. Mr. Cupoli stated he would be in favor of the application and wished them good luck. Mr. Greig stated given the size of the lot he feels it is a good project. Ms. Casserly stated she is in favor of the application. Mr. Ross stated he is in favor of the application. Mr. Hutchinson agreed and echoed the other Board comments. Mr. Lisko agreed.

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

AYES: Mr. Fowler, Mr. Ross, Ms. Casserly, Mr. Hutchinson, Mr. Lisko, Mr. Greig, and Mr. Cupoli

NAYS:

ABSTAIN:

Ms. Casserly made a motion to adjourn the meeting, which was seconded by Mr. Fowler and approved unanimously.