

ZONING BOARD OF ADJUSTMENT
September 24, 2015

PRESENT: Messrs. Hutchinson, Cupoli, Greig, Fitzgerald, Lisko, Ross; and Ms. Young and Ms. Casserly

ABSENT: Mr. Fowler

ALSO PRESENT: Board Attorney Kevin Kennedy, Esq., Board Secretary April Claudio and Zoning Officer Ted Bianchi, Acting Borough Engineer Robert Bucco

At approximately 7:18 p.m. during the workshop portion of the meeting, Mr. Greig made a motion to go into executive session to discuss potential litigation, which was seconded by Mr. Hutchinson and approved unanimously.

At approximately 7:45 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. Fitzgerald made a motion to waive the reading and approve the minutes of the August 28, 2015 meeting, which was seconded by Ms. Casserly and approved by the following vote:

AYES: Messrs. Greig, Fitzgerald, Lisko, Ross; and Ms. Young and Ms. Casserly

NAYS:

ABSTAIN: Mr. Cupoli and Mr. Hutchinson

Ms. Young made a motion to waive the reading and approve the resolution granting approvals to Keith Kleissler, 207 12th Avenue, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Messrs. Cupoli, Greig, Fitzgerald, Lisko, Ross; and Ms. Young and Ms. Casserly

NAYS:

ABSTAIN: Mr. Hutchinson

Ms. Young made a motion to waive the reading and approve the resolution granting approvals to Riverwood Holdings LLC/Guido Salandro, 405 14th Avenue, which was seconded by Ms. Casserly and approved by the following vote:

AYES: Messrs. Greig, Fitzgerald, Lisko, Ross; and Ms. Young and Ms. Casserly

NAYS:

ABSTAIN: Mr. Cupoli and Mr. Hutchinson

NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS – 919-919 MAIN STREET

Mr. Greig stated he was not present when this application was originally heard, therefore he stepped down and Mr. Ross took his place on the dais.

Mr. Kennedy marked into the record the revised plans and new documents submitted by the applicant. Ms. Dunn stated the photo packet she previously submitted has been amended and therefore she submitted a new photo packet to the board.

Mr. Kennedy stated at the last meeting there was discussion about whether or not the Borough has a plan regarding wireless facilities and if there are plans to put them on Borough properties. He sent a letter to the Business Administrator addressing the Board's concerns.

Ms. Dunn stated they have shifted the rear antenna 2 ft. to the north and have reduced the height of the ground level fence.

Alec Norris, Dewberry engineering, explained the changes Ms. Dunn referred to.

Mark Griggs, radio frequency engineer, stated there was discussion previously about using the water tank at the DPW property. He had offered in his report that it would be too close to the

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West Belmar tower and not fill in the gap that they are looking to fill in. He stated they are in a position to make their service beneficial to all. They need to plan for the most crowded days and increased use of frequency. Verizon is also updating their services to have voice and data on one network which requires upgraded and additional technology in order to work. Their proposal is in compliance with FCC regulations. He added that they have an obligation to provide superior service from the FCC.

Ms. Dunn stated Verizon is amenable to submit a bid to the Borough if they put a bid request out for a facility to be placed at the municipal building.

Ms. Young asked if there would be a need for more towers other than this one they are applying for. Mr. Griggs stated yes if they used the DPW water tank instead of the proposed location. Ms. Young had clarified she wanted to know if another one would be needed if this application was approved. Mr. Griggs stated he can't say for sure that they won't ever be back before the Board asking for more towers. He added his ideal locations are the one in the proposed application and at Borough Hall.

William Masters, planner, submitted a photo board of the site. Image 3B on the photo board shows the rear antenna in its new location. He stated this proposal is similar to sites he has seen in other areas of the state. He talked about how the courts have found that the burden of proof relative to the use variance relief is substantially met by the satisfaction of meeting the FCC regulations. The only impact that they would have to address is negative impact which would be the sight of it, which he feels is not an issue and has no negative impact.

Mr. Hutchinson stated it sounds like that if the board doesn't approve the application this will end up in court and the Borough will lose the case.

Ms. Casserly asked when the project would be complete if the application is approved. Ms. Dunn stated they would move forward quickly.

Public: Gene Creamer, Fourth Avenue, reiterated his comments from the previous meeting that he feels this proposal is a conditional use that should be reviewed by the Planning Board instead.

Board Comments:

Mr. Ross stated he would be in favor of the application.

Ms. Young stated she thinks it's great that they listened and made changes.

Ms. Casserly stated she would be in favor of the application.

Mr. Fitzgerald stated he is happy there is consideration for a second antenna for the other area of town.

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

Mr. Kennedy responded to Mr. Creamer's comment that this Board had previously approved a wireless communication tower at another property and that perhaps Mr. Creamer was referring to a previous application from years ago when there was only one Board. Ms. Dunn confirmed that she had represented an application to the Planning Board back when it was one Board.

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

AYES:	Messrs. Greig, Fitzgerald, Lisko, Ross; and Ms. Young and Ms. Casserly
NAYS:	Mr. Cupoli and Mr. Hutchinson
ABSTAIN:	

Mr. Ross stepped down and Mr. Greig rejoined the Board on the dais.

KEITH & JENNIFER WAGNER – 1211 BRIARWOOD ROAD

Mrs. Wagner stated they have owned the property since 2008. The property has a single family home that is unoccupied. It is used as their second home. They purchased the home and fixed it up and then they were flooded by Hurricane Sandy. It is currently only a two bedroom home which they cannot utilize full time if they wanted to. Would like to elevate the house and put a second floor addition on with the hopes that someday they would move here full time. She submitted revised architectural plans to the Board. The plan is to lift the house out of the flood

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zone, add a garage on the first floor with interior stairs to the second floor which would have the living area and kitchen, the third floor would have the bedrooms and a bathroom. The proposed height is 33.3 feet.

Mr. Kennedy stated the variances being requested are building coverage, side yard setback, rear yard setback, and the garage is more than 50% of the front façade.

Mr. Lisko asked if the side and rear yard setbacks are existing. Ms. Wagner replied yes.

Mr. Hutchinson asked if the existing house would be elevated and then two floors would be built underneath. Ms. Wagner replied yes.

Mr. Fitzgerald asked for the size of the existing home. Ms. Wagner estimated 680 square feet. He asked what the square footage of the new home would be. Ms. Wagner estimated another 680 square feet added to that plus the garage. Mr. Fitzgerald asked if there would be any other use of the garage other than a car and storage. Ms. Wagner replied no. He asked about the location of the a/c units. Ms. Wagner stated it is shown on the new plan. Mr. Bianchi stated it looks like it complies.

Ms. Casserly asked if there is parking on the property now. Ms. Wagner stated there is no parking on site now.

Mr. Cupoli asked if the existing footings will be used. Ms. Wagner stated they would be new and there would be a new foundation. He asked how the height of this house would compare to others. Ms. Wagner stated they are a little less than some of the other taller homes on the street. He asked if the roof pitch could be changed at all. Ms. Wagner stated the existing house has been renovated and has a new roof and will become the third floor which is why it looks the way it does.

Mr. Greig asked about materials on the exterior. Ms. Wagner stated they will use vinyl siding on the house except for the bottom floor.

Mr. Ross asked about doors on the back of the house. Ms. Wagner stated they are just double doors. He asked about the garage because it looks big. Ms. Wagner stated it would be used for one car and some storage. He asked about the size of the back deck. Ms. Wagner stated the deck would sit over the existing concrete patio.

Mr. Hutchinson asked if flood vents will be required. Mr. Bianchi stated that will be construction issue to be addressed later.

Mr. Cupoli asked if there will be gutters on the home. Ms. Wagner replied yes. He would like to see a drywell installed if it is feasible.

Mr. Ross asked how far the steps on the side are from the property line. Mr. Wagner estimated about 2.3 feet to the stairs. Ms. Wagner asked if she moves the steps towards the rear if that would remove the variance for the stair setback. Mr. Bianchi stated they are already requesting a rear yard setback variance so it would just be increased. Ms. Wagner felt it may be more aesthetically pleasing to have the stairs on the side.

Public:

Licia McClary, 1205 Briarwood Road, lives two houses away and her house will be higher than their proposed house. She has seen her street improved over the years. Feel this would be a positive thing for the neighborhood.

The Board discussed the issue of the side yard setback. Mr. Kennedy stated they have the option to discuss with their architect the setback and come back at the next meeting. Mr. Lisko explained that they need to give a definitive number on the setback because if they are wrong then there's a chance they would have to come back before the board.

Board Comments:

Mr. Hutchinson stated he would be in favor of the application.

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Mr. Fitzgerald stated he would be in favor of the application with the clarification on the side yard setback.

Ms. Casserly agreed.

Ms. Young would like them to set a number now if they know it so they can vote. Ms. Wagner stated she is fine with coming back next month to confirm the number.

Mr. Cupoli stated he is inclined to vote yes.

Mr. Greig stated he believes this will be advantageous to the neighborhood.

Ms. Wagner asked if she could talk to the Borough engineer before the next meeting to see if there needs to be a condition in the resolution or not.

Mr. Lisko stated they are trying to help them and make sure the record is clear so there are no issues in the future.

Mr. Kennedy stated he could have a resolution of approval ready in the event the application is approved so there is no loss in time.

The application was carried to the October 22nd meeting and there will be no further noticing.

9:31 PM the board took a recess.

9:45 pm the board reconvened.

Mr. Kennedy stated there are technical difficulties with the recording system, it has stopped functioning. He explained how the law requires the meeting to be recorded and explained what the options are when the equipment malfunctions.

The record should note that the recording system stopped working at approximately 8:44 pm without any warning. There will be a gap in the recording; some of the meeting was not recorded. Mr. Kennedy stated the Board Secretary found a small recorder that can be used to continue with the meeting.

JOHN & LESLIE MCNAMARA – 116 NORTH BLVD.

Appearing for this application was Mr. McNamara and his architect Robert Weinstein. Mr. McNamara stated the property currently has a two family two story ranch home. He stated this is the last house on the block to be renovated after Hurricane Sandy. The property was under six feet of water and is uninhabitable. His family has three generations in this community and on this property. The property fronts on three streets which is unusual and means the proposed house is a nontraditional shape. The house will be elevated to avoid any flooding issues.

Mr. Weinstein submitted illustrated renderings of the elevations. The proposed height is 34.67 feet above the base flood elevation. Requesting variances for rear yard setback, building coverage, parking location, driveway width, and the half story. The proposed parking location is the same as what is existing on the site now.

Mr. Bianchi stated a variance is also needed for the enclosing of the porch.

Mr. McNamara stated they are trying to maximize their enjoyment of the property and maximize the views of the lake and ocean that they have.

Mr. Weinstein stated they are in compliance with floor area ratio even with the partially habitable attic. All mechanicals will be above the base flood elevation as well.

Mr. Greig asked if they would use pervious pavers in the parking area. Mr. McNamara agreed.

Mr. Cupoli asked if the utilities could be placed underground. Mr. McNamara stated he would look into seeing if it is feasible.

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Ms. Young stated the design looks beautiful.

Ms. Casserly questioned the parking being close to the a/c units. Mr. Weinstein stated the A/c units are elevated and the hood of a car can fit underneath.

Mr. Fitzgerald asked if the main entrance will be on 20th Avenue. Mr. Weinstein stated North Blvd. will be the front. Mr. Fitzgerald felt the proposed design makes it seem like 20th Avenue would be the main entrance.

Mr. Hutchinson asked what the height of the first floor is from grade. Mr. Weinstein stated they are at 14 feet above sea level.

Public:

Nicholas Gregory, 111 20th Avenue, stated he is happy the property is being redone. His only concern is the a/c unit will be level with his deck.

Mr. McNamara stated he had looked into the other side but that would be the first thing that someone would see coming down the street.

Mr. Fitzgerald suggested looking at the Masi property and how they screened their units which is somewhat aesthetically pleasing.

Mr. Weinstein stated they could move it to the west side and do some form of screening. Also will move the generator. He suggested moving it closer to the outdoor shower near the driveway so it would be away from Mr. Gregory's porch but that would require a variance. After further discussion it was determined that it will have to be on the west side and they will make it look beautiful.

Boards Comments:

Mr. Greig stated it looks like an excellent use of the property and he would be in favor of the application.

Mr. Cupoli stated they did a great job fitting the home on the property and feels it will fit in with the neighborhood.

Ms. Young thought it was great that they were willing to work with the neighbor and thinks it will look great.

Ms. Casserly agreed and thanked them for working with us.

Mr. Fitzgerald stated he takes the willingness to work with the neighbor to heart. Going from a two family to single family is a big improvement.

Mr. Hutchinson stated he is likely to vote in favor of the application. Mr. Ross agreed.

Mr. Lisko stated everything was done right and the willingness to work with the neighbor is a job well done.

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

AYES: Messrs. Cupoli, Mr. Hutchinson, Greig, Fitzgerald, Lisko, Ross; and Ms. Young and Ms. Casserly

NAYS:

ABSTAIN:

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