

**ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
MAY 23, 2017**

PRESENT: John Hutchinson, Michelle Casserly, Mark Fitzgerald, John Lisko, Chuck Ross, Robert Cupoli, and Manny Fowler

ABSENT: Phil Greig & Judy Young

ALSO PRESENT: Board Attorney Kevin Kennedy and Board Secretary April Claudio

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 May 8, 2017 and by posting a copy of said notice at the Municipal Complex on the same date.

WORKSHOP: None

RONALD & SHARON VAN SADERS – 903A OCEAN AVENUE

Appearing for this application was attorney William Shippers, engineer and planner Rich DiFolco, Mr. and Mrs. Van Saders, and architect Brandon McHugh. Mr. McHugh submitted photos of the existing property. Mr. Kennedy stated he received a letter from Mr. Shippers today giving this application consent from the condo association.

Mr. DiFolco explained the property is a condominium. There are a total of nine individually owned condos on the property. There is also a parking lot on the property for all the homes. The portion of the lot that contains the structure is 28x44 feet. The house is also very small. The existing house has a covered front porch with two separate units, one on the first floor and one on the second floor. Traditionally these units were rented separately. The proposed home would comply with the side yard setback which it currently does not. The proposed home would be 2 ½ stories and create a slight increase in impervious coverage and floor area ratio. They agreed to give up the non-conforming two family use of their condo by making it a single-family unit. The variances being requested are for building coverage and impervious coverage for the entire lot. Floor area ratio is increasing but is still in compliance and does not require a variance.

Mr. Shippers stated Mr. and Mrs. Van Saders are the first owners on this property to seek approval to reconstruct their unit. He and Mr. DiFolco felt they could be a trendsetter for the other units. Mr. DiFolco added that the other structures need more than just a cosmetic upgrade. Transformation of this property would be good for the neighborhood. All utilities for this unit will be placed underground. Mr. DiFolco stated there is adequate parking. The condominium association allocates two parking spaces for this unit.

Mr. McHugh explained the design. The first floor would have an open kitchen/living room area and a small den. The second floor has a master bedroom with bathroom and a family room with a balcony. The half story would have a third bedroom with a loft and mechanicals area and a balcony. The total square footage of the heated area of the house is 1875. A soil boring test was done and they determined it would be feasible to put an unfinished basement under the house.

Mrs. Van Saders stated she rented this property many years before it was put up for sale. The structure is only used during the summer because it does not have heat. Her and her husband are retired teachers and would like to live here full time and introduce their grandchildren to summers in Belmar. They have been living in the home for the last two months without heat which has been difficult.

Mr. Fowler clarified that this condo unit would be going from a two-family to a single-family. He asked about water runoff. Mr. DiFolco stated it will go right into the soil which is very sandy. He asked what the proposed height is. Mr. McHugh stated it will be under the 35 feet.

Mr. Cupoli asked about flood regulations. Mr. DiFolco stated the property is not in a flood zone.

Mr. Fitzgerald asked how this proposal fits in with the condo association's by laws. Mr. Shippers stated Mr. Kennedy marked the letter from the president of the condo association into the record at the beginning of the application. He added the bylaws allow for renovation, reconstruction and expansion of the units.

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Mr. Hutchinson asked for clarification on how the building coverage and lot coverage were calculated.

Public:

Cajetna Salemi, 1600 16th Avenue, stated he is the owner of the property and encouraged the Board to grant the variances. This property is one of the worst on Ocean Avenue but their proposal would be a positive improvement to the neighborhood and this property.

Board Comments:

Mr. Fowler stated this project is challenging but exciting and he is in favor of the application.

Mr. Cupoli stated they did a good job with a challenging application and wished them luck.

Mr. Ross agreed. He added the benefits outweigh the detriments. The side yard setback is being moved to comply.

Mr. Fitzgerald stated there have been a lot of positives stated and very little detriments. It's going from a two-family to a single-family and they will live there.

Ms. Casserly stated she loves the fact they are investing in the town and want to live here.

Mr. Hutchinson stated he is in favor of the application. Mr. Lisko agreed and added it will be an improvement to the neighborhood.

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

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

NAYS:

PAUL SPENNRATH & JOSEPH HORN – 300 EIGHTH AVENUE AND 703 B STREET

Appearing for this application was attorney William Shippers, architect Mary Hearn, and Mr. Horn. Also appearing was attorney John Russo and his client Mr. Spennrath. Mr. Kennedy clarified that while Mr. Spennrath and Mr. Horn are joint owners of the property, the application is only from Mr. Horn. Mr. Shippers explained the property is one property listed as 300 Eighth Avenue, but has two houses with two addresses; 300 Eighth Avenue and 703 B Street. The property was not subdivided. In 2013 Mr. Spennrath sold 30% of his interest in the property to Mr. Horn. The deed is essentially a use agreement that says Mr. Spennrath would retain interest of 300 Eighth and Mr. Horn would retain interest in 703 B Street.

Mr. Horn did some improvements to the house known as 703 B Street which were interior only. There was no expansion of the footprint. During the renovations, he had to relocate a water heater which caused an interior wall to be removed. This change technically increased the usable interior floor place slightly. Code Enforcement got wind of this and advised that they needed Board approval to move the interior wall. Mr. Shippers stated Mr. Horn is willing to sign any hold harmless agreement so there are no costs or damages incurred by Mr. Spennrath.

Ms. Hearn submitted a photo board of the site. She discussed the application with Mr. Bianchi and determined that a variance would be needed for alteration or expansion of a non-conforming use. She created a floor plan showing the previous and new floor plans. The interior kitchen living space was expanded by 3 feet by the removal of a wall and the storage room size was decreased. There are pre-existing non-conformities for the property but none of those are changing. The total interior gain was 27 square feet.

Mr. Hutchinson asked how much of the work has been completed. Ms. Hearn stated all of it.

Ms. Casserly stated she assumes the applicant did not know that this work required Board approval. Mr. Horn replied yes.

Mr. Cupoli asked if it was a structural wall that was removed. Ms. Hearn stated it was a non-load bearing wall.

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Mr. Fowler asked if you would notice any changes to the house from the outside. Mr. Horn replied no.

Mr. Hutchinson asked when the work was done. Mr. Shippers stated permits were taken out for plumbing, electrical and HVAC work in 2014.

Mr. Russo stated the contract for sale does say 70/30 split of ownership but that's for tax purposes only. The agreement was for Mr. Horn to purchase 703 B Street. He added that the house was a two bedroom but Mr. Horn turned it into a three bedroom. One of the issues his client has is that Mr. Horn reduced the space of the storage area which is a contractual shared use. He believed this isn't a Board issue but wanted to put it on the record. Mr. Spennrath does not want to incur any damages or costs for the rear bungalow. He views it as a separate property that he does not own. The other issue is that it is being converted from a summer use to year-round use.

Public: Rosemary Russell, Wall Township, was concerned that the rear house was a summer rental with no heat and now has heat and is used year-round. She also stated the property was not a business.

Board Comments

Mr. Hutchinson stated he is in favor of granting the variance.

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

Mr. Fitzgerald stated if the application is valid then he would be in favor of the expansion.

Mr. Ross stated he is still unclear about the contract of ownership but the variance itself is for moving the wall which he has no issue with.

Mr. Cupoli stated if they are just voting on the moving of the wall he would be in favor of the application.

Mr. Fowler stated the Board responds to the information as presented to them. Since the application was presented as simply just moving a wall he would be in favor of the application.

Mr. Lisko stated he would be in favor of the application because it is a minor change of the building. As far as the use from summer to year-round and whether a business is being operated out of there is a Code Enforcement issue and not for the Board to address.

Mr. Kennedy stated the resolution will reflect that the Board is not taking jurisdiction or a role in the ownership issue. He also liked the idea that Mr. Shippers offered to do a hold harmless letter. The resolution will reference that it will be done but that the Board will not be involved with how it is done and how it reads.

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

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

NAYS:

At approximately 9:30 p.m. the Board took a recess. At approximately 9:41 p.m. the Board reconvened. Roll call was taken. All were still present.

ANTHONY SCIANNI – 220 15TH AVENUE

Appearing for this application was attorney William Shippers, architect Mary Hearn and Mr. Scianni. Ms. Hearn submitted a photo board of the existing site. The photos showed the site as of today as well as an older photo which showed a covered porch that previously existed. The property contains one structure with two dwelling units on the first floor and one dwelling unit on the second floor. There is a concrete porch now which is remnants of the covered porch. Ms. Hearn stated Mr. Scianni would like to rebuild the covered porch and add a balcony above it.

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She added that Mr. Bianchi stated he would have approved rebuilding the porch as it was but since they want the balcony above it is an expansion of a non-conforming use. Also, seeking approval to add a second bathroom to the front first floor unit. The house is currently gutted so it is unclear as to what the previous floor plan was.

Mr. Scianni and Mr. Shippers stated the second-floor unit has two bedrooms and one bathroom which will remain the same. The downstairs unit had three bedrooms and one bathroom which will be changed to two bedrooms and two bathrooms. The other downstairs unit is a one bedroom and one bathroom unit which will remain the same.

Ms. Hearn stated they could eliminate the side yard setback variance for the balcony by bringing it in one foot but the first-floor porch would still be there. So, it makes sense aesthetically to leave it as proposed.

Mr. Scianni stated the entire front facade of the house would be redone with materials recommended by Ms. Hearn.

Mr. Fowler asked when construction would start if approved. Mr. Scianni stated ASAP.

Mr. Cupoli asked if anyone is living in the apartments. Mr. Scianni stated no. He purchased the house in December and it was already gutted. Mr. Cupoli asked how the porch fits in with the neighborhood. Ms. Hearn stated it aligns with the homes to the east.

Mr. Ross asked if it was confirmed that the property was a three family. Ms. Hearn stated she confirmed it with the Tax Assessor.

Ms. Casserly asked about water runoff. Ms. Hearn stated the water will run towards the front of the property. Ms. Casserly asked how it will be rented. Mr. Scianni stated he would do year round rentals.

Mr. Hutchinson asked if the foot print is being changed. Ms. Hearn stated it is not.

Public:

Melanie Hunt, 222 15th Avenue, stated 220 was an animal house and is an eyesore for the neighborhood. There was a lot of inappropriate behaviors that went on at the front porch in past years. Glad the property has sold. Still a little uncomfortable that it is a three family in family friendly neighborhood. But also appreciative that Mr. Scianni is willing to put work into the property to make it better. She is concerned about future use of the balcony based on history. She requested a deed restriction that they cannot do a seasonal rental.

Board Comments

Mr. Fowler stated he is hoping the new owner maintains lines of communication with the neighbor. Feels it will be a significant improvement compared to what was there in the past.

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

Mr. Fitzgerald stated it is a positive change. Not sure the potential use of the balcony in the future is a big enough concern to not grant the variance. Granting a deed restriction to prohibit a seasonal rental is not within the Board's jurisdiction.

Ms. Casserly asked for clarification if a deed restriction could be done. Mr. Kennedy stated he is not aware of any basis where we can say they can only rent it a certain way. Mr. Scianni added that all the properties he owns in the area are year round rentals.

Mr. Hutchinson stated it would be costly for them to move a wall as suggested by the neighbor. While it might be nice; it might not be feasibly possible now.

Mr. Lisko stated he is in favor of the application and hopes the neighbors will be pleased with the work done and how the property is managed.

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

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and Mr. Fowler

NAYS:

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