

ZONING BOARD OF ADJUSTMENT

AUGUST 24, 2017

PRESENT: John Hutchinson, Michelle Casserly, Jonathan Lisko, Philip Greig, Robert Cupoli, and Judy Young

ABSENT: Manuel Fowler, Mark Fitzgerald, and Charles Ross

ALSO, PRESENT: Board Attorney Kevin Kennedy, Board Secretary April Claudio and Zoning Official 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 November 18, 2016 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Greig made a motion to waive the reading and approve the minutes of the July 27, 2017 meeting, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Lisko, Mr. Greig, and Mr. Cupoli

NAYS:

ABSTAIN: Ms. Casserly

INELIGIBLE: Ms. Young

Mr. Greig made a motion to waive the reading and approve the resolution of Michael and Lauren Radossich, 98 20th Avenue, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Lisko, Mr. Greig, Ms. Young, and Mr. Cupoli

NAYS:

ABSTAIN: Ms. Casserly

INELIGIBLE: Ms. Young

Ms. Claudio stated she received a letter from Dominick Paragano of 200 Fifth Avenue. His approvals will expire in November 2017. He requested an 18-month extension. Mr. Greig made a motion to approve the extension, which was seconded by Mr. Hutchinson and approved unanimously. Ms. Claudio will send a letter advising the extension has been approved.

Mr. Kennedy announced the application of Dariusz & Elzbieta Targonski, 611 10th Avenue, is being postponed. An attorney named Sam Marzarella is objecting and prepared a legal brief. Mr. Kennedy would like time for himself and the applicant's attorney William Shippers to review it. Mr. Shippers agreed. He would like the opportunity to have a fair process. Ms. Casserly made a motion to carry the application to the September 28, 2017 meeting without the need for further notice, which was seconded by Mr. Greig and approved unanimously.

DAVID D'AOLIA & COLLEEN DUFFY – 88 INLET TERRACE

This application was a continuation from the previous month's Board meeting. Mr. Kennedy explained there were some concerns at the last meeting regarding the exact calculation of the impervious coverage. The proposed coverage is 47.8%. Mr. D'Aolia clarified the underground

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water retention systems are 900 gallon tanks not 500 as previously stated. There was no public comment.

Mr. Cupoli was appreciative that they came back with the exact number. Wished them luck. Mr. Greig stated he likely vote in favor. Mr. Hutchinson echoed Mr. Cupoli's comments. Mr. Lisko stated he is also in favor of the application. He liked the proposal of storm water retention systems.

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. Lisko, Mr. Greig, and Mr. Cupoli

NAYS:

ABSTAIN: Ms. Casserly

INELIGIBLE: Ms. Young

Ms. Young joined the Board at approximately 7:30 p.m.

Mr. Kennedy prepared a resolution in the event the application was approved, which was discussed at the last meeting. He briefly read the findings and testimony that will be listed in the resolution into the record.

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

AYES: Mr. Hutchinson, Mr. Lisko, Mr. Greig, and Mr. Cupoli

NAYS:

ABSTAIN: Ms. Casserly and Ms. Young

JOSEPH CHARCZENKO – 705 NORTH LAKE DRIVE

Appearing for this application was attorney William Shippers, architect Mary Hearn, and Mr. Charczenko. Ms. Hearn submitted a photo board containing 13 photos and illustrated site plans identical to the plans that were submitted. The existing home is 2 stories with a detached garage. The proposal is to renovate the existing front porch and adding a new porch on the second and third floor. As well as renovations to the interior second and third floors, a small half story addition and to rebuild the garage. The new garage would be a one story three car garage. Ms. Hearn stated Mr. Charczenko has already done a lot of renovations to the property. She added all the utilities had to be moved out of the basement because it's in a flood zone and was flooded during Hurricane Sandy. Also, proposing a raised platform at the rear of the house for the a/c units. The setback for the a/c condenser now is only 1 foot but the new elevated location will make it 4.5 feet which is just shy of the 5ft. requirement. The second floor has four bedrooms and one bathroom now, proposing to square off the room to make the ceiling heights better. She explained they are 10% over the Borough's definition of a half story so therefore it would be considered a third floor. The difference is only 100 square feet. The existing garage is 735 square feet and the proposed size is 704 square feet with an outdoor shower that makes it 731 square feet. Will move it to comply with the setbacks as well except for front yard. The garage faces D Street, 8.2 is the average front yard setback, proposing 3.8 feet which is how it exists now. No

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parking variance required, proposing three spaces vs the one space that exists now. Technically need a front yard setback for less than a square foot of the front porch because the property skews on an angle. Mr. Shipers pointed out a variance is required for the third-floor balcony which was not listed in his notice.

Mr. Hutchinson asked if the house meets the flood elevation requirement. Ms. Hearn stated that it does. She added they know they must meet FEMA flood regulations. Mr. Hutchinson stated it looked like the existing garage had a second floor. Mr. Charczenko stated it did but the new garage will be one story.

Ms. Casserly asked if the a/c units will be energy efficient and quiet. Ms. Hearn replied yes. Ms. Casserly asked about a construction timeframe. Mr. Charczenko stated he would start as soon as Ms. Hearn completes the construction drawings.

Mr. Greig asked the height of the existing house. Ms. Hearn stated it is 26.6 feet and they are now proposing 35 feet. Mr. Greig asked if it would affect anyone's views. Mr. Charczenko stated all the houses would be in line with this.

Mr. Cupoli asked if the electric service from the garage to the pole could be placed underground. Mr. Charczenko had no problem with that. Mr. Cupoli asked if the outdoor shower is permitted. Mr. Bianchi replied yes.

Mr. Lisko asked what utilities are in the garage. Mr. Charczenko and Ms. Hearn stated just electric and plumbing for the outdoor shower. Mr. Lisko asked why they couldn't comply with the half story definition. Ms. Hearn stated she could technically comply however it wouldn't change the bulk look of the third floor by making some area unfinished space.

No public comments.

Mr. Hutchinson appreciated them mitigating some of the existing non-conformities, especially parking, and bringing the house more into requirement of the flood regulations.

Ms. Casserly agreed and it makes it a much more usable house for them to enjoy.

Mr. Greig, Ms. Young and Mr. Cupoli stated they are in favor of the application.

Mr. Lisko was concerned about approving a third floor until it was explained that it's just a numbers game. He is now in favor of the application.

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

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

NAYS:

ABSTAIN:

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MICHAEL & DENISE SPERRAZZA – 1900 B STREET

Appearing for this application was Mr. Sperrazza and his architect Daniel Condatore. Mr. Kennedy stated attorney Greg Vella is present representing Joseph Schaad, an objector. Mr. Sperrazza stated he has owned the property for approximately one year. The property currently has a small cottage and is used by him on a seasonal basis. He previously lived in Lake Como and was pleased to have the opportunity to buy this property so he can move down here on a fulltime basis. The proposal is to build a new single-family home.

Mr. Condatore stated the property is a corner lot facing both B Street and 19th Avenue. The existing house is small and outdated. Seeking two variances, one for rear yard setback of 10 feet instead of 25 feet, and parking; required to have three parking spaces but proposing two. The proposed house is 2600 square feet. Comply with all other zoning regulations. The existing home has a rear yard setback of 8.3 feet and a front yard setback of 13.8 feet. Their proposal brings the two front yards into compliance and makes the rear yard setback more conforming. He submitted an illustrated proposed front elevation. The house is proposed to face B Street so they can have a view of the lake.

Mr. Bianchi pointed out that on a corner lot the garage entrance cannot face the same street of the main entrance so they need another variance.

Mr. Vella stated the property is in an R-40 zone and asked Mr. Condatore if he is familiar with the lot size dimensions for a property in the R-40 zone. Mr. Condatore replied yes. Mr. Vella pointed out the lot is larger than what is required for the zone. Mr. Vella stated they have a fully conforming lot but are asking for variances. He asked whose decision it was to have the house face B Street. Mr. Condatore stated the address is on B Street. Mr. Vella pointed out that they could have it face 19th Avenue and conform to all setbacks and have a building envelope of 35x55 feet. He asked if there is any reason why they couldn't build a house and be fully in compliance. His client's house is adjacent to the rear yard. Mr. Vella pointed out the setback isn't 10 feet it is 9 feet because of the windows. He asked how long the house is. Mr. Condatore stated it is 73 feet. Mr. Vella asked how many properties that are 100 feet long have 73 feet long houses. Mr. Condatore stated he would not have that information. Mr. Vella asked if it's fair to say they need a parking variance because the house is too large. Mr. Condatore disagreed. Mr. Vella stated if the house faced 19th Avenue they could be fully conforming. Mr. Condatore disagreed. Mr. Vella stated he did not see mechanicals on the plan. Mr. Bianchi stated they require a 5ft. setback. Mr. Vella was concerned about the location and a possible variance.

Mr. Cupoli asked if the utilities could be placed underground. Mr. Sperrazza replied yes. Mr. Cupoli asked where the utilities could be placed. Mr. Condatore stated they will comply with the 5ft. setback on the south side of the house.

Ms. Young asked why they want to build the house facing B Street. Mr. Sperrazza stated he liked this property because it had a view of the lake. Ms. Young stated there is no doubt they could build a house that conforms but understands they want a view of the lake. Ms. Young asked why they are objecting.

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Mr. Vella stated his client's house is a typical house facing 19th Avenue with conforming setbacks. The applicant is proposing a 73 feet house that is along the whole side of his client's house creating a 73 ft. long and 27 ft. high wall with a 10-ft. setback. He added they could build a conforming house facing 19th Avenue with a wrap-around porch so they can have what they want. Their desire to have a view of a lake isn't a good enough reason to not build a conforming house. They are over building the property. Ms. Young asked how far off the setback variance is. Mr. Vella stated 25 ft. is the required setback and they testified they are proposing 10 ft. Mr. Condatore stated they will take out the bay window and shower to keep the 10-ft. setback.

Mr. Cupoli stated if they built the house facing 19th Avenue they would still have the long wall of house. Mr. Vella disagreed because if they built facing 19th Avenue and had a conforming 25 feet setback the house wouldn't be as long to conform. That would be approximately 20 feet less of wall. Mr. Vella asked if there is something on the property that would cause a total disregard of the zoning requirements.

Ms. Young asked if there is any way to build the house facing the lake that would make the applicant and the neighbor happy. Mr. Sperrazza stated his proposal isn't as high as his neighbor's house. He stated he could go up higher but then his neighbor gets no sunlight. He feels his proposal is a modest home with a nice porch to view the lake from.

Mr. Vella stated they have no objection with the house facing B Street, their issue is with the setback requirement of 25 feet.

Mr. Condatore stated they could build a higher house and comply with the setback but that's not what they want to do.

Mr. Greig stated if they were to make the south setback 25 feet they would lose the garage and a bedroom. Mr. Condatore agreed. Mr. Greig asked if they could recover that by building a two and a half story house with a second-floor porch instead. Mr. Greig asked if they could put the garage underneath the house and build a two and a half story house with porches on both floors which would possibly give a better view of the lake. Mr. Condatore stated he typically doesn't design houses like that unless they are in a flood zone.

Ms. Casserly stated her concern is the parking. She asked if the house was built facing 19th Avenue could they have the conforming 3 parking spaces. Mr. Condatore did not think so without requesting a variance for the width of the driveway.

Mr. Hutchinson asked if a corner lot can pick which street their house faces. Mr. Bianchi replied yes. Mr. Bianchi stated the ordinance states that when you have a corner lot and have a side yard of a property abutting your corner lot, that side is supposed to be their side yard. They are proposing it as their rear yard.

Public: Peter Piro, 300 North Blvd., stated he is good neighbors with both. Understands their desire to have their porch where it is now. He suggested they both compromise.

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Bruce Estler, 1901 B Street, stated his house is the only house on the south side of B Street. His porch and their porch have been there since 1930's. The house and porch they are proposing are a real asset to the neighborhood. Felt facing the house on 19th and putting a garage on B Street messes up their neighborhood. He challenged the Board to find any house in the area of 19th and B Street that has a 25-ft. rear yard setback.

Board Comments:

Mr. Cupoli stated it is a tough property. Feels it would be an improvement to the neighborhood and the neighbors seem to think so too.

Ms. Young stated there is a woman in the audience that is crying and it shouldn't be happening at a zoning board meeting. We all live in town and have to live near each other. They just have to look at the facts. She would like to see a compromise on both sides. She doesn't feel comfortable voting yes or no without seeing some form of compromise.

Mr. Greig pointed out there is a 7.08x11 ft. box on the south side and if that is eliminated that would create a 13-ft. setback rather than a 6-ft. setback. He also pointed out that there may be a way of redesigning the house by adding a second-floor porch which may give a better view of the lake and address the neighbor's concerns. Mr. Greig asked if the 13-ft. setback would help. Mr. Vella stated any reduction would help but it still doesn't meet the ordinance requirement. Mr. Greig stated if he had to vote right now he probably wouldn't vote in favor. Mr. Condatore stated he could make the setback 14 feet on the south side. Mr. Greig stated he would be more in favor if that was done.

Ms. Casserly pointed out that the lot is conforming and if they built a conforming house there wouldn't be all this debate which makes it tough for her to make a decision on it. She added she feels there is a better way to build on the lot and would feel better voting on it if they took time to sleep on it and go back to the drawing board.

Mr. Hutchinson stated he agrees with Mr. Greig and Ms. Casserly. He stated he sees a way to do this to make it more conforming. Feels it might not be a bad idea to go back to the drawing board or be completely in compliance. Feels they could build something just as nice and fit the needs of their family.

Mr. Bianchi asked what the average front yard setback for 19th Avenue is because they could use that instead of 20 feet. He added they could move the house closer to 19th Avenue if they figure out what the front yard setback is and it's closer than 20 feet. Could also do that for B Street as well.

Mr. Lisko didn't have much more to add except he felt it is hard to vote in favor of variances on a conforming lot especially when there is an objector and there is no hardship.

Mr. Kennedy stated there are two types of "c" variances, one being hardship and the other being do the benefits outweigh the detriments. He pointed out it appears the Board feels the applicant

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has not fully explored all of their options. He stated it would be up to the applicant to proceed with a vote tonight or carry the application.

Mr. Sperrazza stated he appreciates everyone's time and opinion and would like a few minutes to speak with his wife.

At approximately 9:48 p.m. the Board took a brief recess. At approximately 9:56 p.m. the Board reconvened. Roll call was taken. All of them were still present.

Mr. Condatore stated they spoke and they really like the proposed design but are willing to work and come up with some new ideas. They are going to look at what the average setbacks are for both streets and see if they can get an additional few feet on the side yard and rear yard. However, they would like to know that what they are proposing would be acceptable and that they wouldn't be wasting their time. He added they aren't going to redo the house to make it face 19th Avenue.

Mr. Lisko stated respectively he would like them to consider building a conforming house. Mr. Sperrazza would like to carry the application. Mr. Lisko suggested they be given two months which would be October 26th. Mr. Kennedy stated he will discuss the plan changes with Mr. Condatore to determine if any re-noticing will be required. As of right now there will be no further need for re-noticing.

Ms. Young made a motion to carry the application to October 26th, which was seconded by Ms. Casserly and approved unanimously.

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