

## **ZONING BOARD OF ADJUSTMENT**

**SEPTEMBER 28, 2017**

**PRESENT:** John Hutchinson, Michelle Casserly, Robert Cupoli, Mark Fitzgerald, Jonathan Lisko, Charles Ross, Philip Greig, and Manuel Fowler

**ABSENT:** Judy Young

**ALSO, PRESENT:** Board Attorney Kevin Kennedy, Esq., 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.

Workshop Discussion: None

Mr. Cupoli made a motion to waive the reading and approve the minutes of the August 24, 2017 meeting, which was seconded by Mr. Greig and approved by the following vote:

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

**NAYS:**

**ABSTAIN:** Mr. Fowler

Mr. Greig made a motion to waive the reading and approve the Resolution granting approvals to Joseph Charczenko, 705 North Lake Drive, which was seconded by Mr. Cupoli and approved by the following vote:

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

**NAYS:**

**ABSTAIN:** Mr. Fowler

Mr. Kennedy explained the application of Michael and Denise Sperrazza, 1900 B Street, has submitted revised plans that no longer require any variances.

Ms. Casserly made a motion to waive the reading and approve the resolution dismissing the application of Michael and Denise Sperrazza, 1900 B Street, which was seconded by Mr. Cupoli and approved by the following vote:

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

**NAYS:**

**ABSTAIN:** Mr. Fowler

Mr. Shipers stated he wants to hire a professional planner to assist with the Targonski, 611 10<sup>th</sup> Avenue application. Would like to carry the application without re-noticing. The Board had no objection to postponing the application to the January 25, 2018 meeting. Mr. Greig made a motion to carry the application, which was seconded by Mr. Hutchinson and approved unanimously.

### **JOHN & COLLEEN PALUS – 56 INLET TEERRACE**

Appearing for this application was Mr. Palus. Mr. Palus stated he has owned the property for six years and currently lives there. Part of his proposal is to raise a portion of the backyard by creating a berm to help mitigate flooding. The house is an adequate size for them however the bedrooms are small. Plan to renovate the house to create a true master bedroom. House will be resided and have new windows. Since he will be doing these renovations he would also like to do a little bit more at the same time. Would also like to build an inground pool, a deck, a generator pad, and an addition. Need a variance for the setback for the generator pad. Will put fencing around it and landscaping to shield noise. Already spoke to his neighbors about it and they are fine with it. The proposed location for the generator keeps it tucked away and not visible from the neighbor's properties. Also need a variance for impervious coverage of 67% where 40% is

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permitted. He originally calculated the pool into his coverage which he now understands was incorrect. There was a grass area near the sidewalk that was not accounted for, and he showed a concrete pad for the pool equipment which he won't do. There's also a strip of land on the other side of the boardwalk so when you count that piece of land and the other changes, the impervious coverage is down to 53%. The addition is a deck that will be turned into a sun room. Also proposing a shade structure with a fireplace, tv, and some outdoor furniture.

Mr. Fowler asked if there was a concern about flooding with the pool being added and if there are any issues with raising the grade. Mr. Palus stated all his neighbors have pools. Mr. Bianchi stated there is an ordinance that only 10 cubic feet of grade can be added. Mr. Palus stated he does have to apply for a CAFRA permit from DEP which approved the pool, the grade, and shade structure. Mr. Fowler asked about the location of the pool mechanicals. Mr. Palus stated they will comply with the 10-ft. setback.

Mr. Cupoli felt the property is big enough to put the generator in a compliant location and would like a new location chosen. Mr. Palus stated physically he could put the generator in the backyard but then it would sit like a tower in the backyard and would be unsightly. Feels it's a better location next to the house like his neighbor Mr. Winters. Mr. Cupoli felt the proposed setback is not acceptable. Mr. Fowler asked if it could be near the pool equipment. Mr. Palus stated it could be but it must be built on a platform to be above the base flood elevation. He added that it can't fit on either side of the house without needing a variance. He stated he didn't want to put it on the east side of the property because it would be near his neighbor's outdoor table. Mr. Bianchi stated if he is not doing more than 50% renovation it doesn't have to be elevated. Mr. Palus stated he would prefer it to be elevated so it can be used during a flood. He added that there are windows on the one side of the house that would prevent the generator from being placed in a compliant setback.

Mr. Greig asked if Mr. Palus if he knew the decibel of the generator. He did not but it would be standard. Mr. Greig asked if he knew what room of his neighbor's house is near the proposed generator. Mr. Palus stated his neighbor has an office/den near the location. Mr. Greig asked where the sump pump goes to. Mr. Palus stated it goes into the lagoon. Mr. Greig asked if there is any issue with rainwater draining onto the neighbors once he raises the grade. Mr. Palus stated he took that into consideration.

Mr. Hutchinson stated his major concern is the impervious coverage. He would like the breakdown of the 53% be submitted. Mr. Palus stated he is environmentally conscious. He added that being near the water more paved area is better for the environment than a fertilized lawn. Mr. Hutchinson asked about the macatim in the backyard that will remain. Mr. Palus stated he imagines he will have to replace it. Mr. Hutchinson suggested using pervious pavers. Mr. Palus felt pervious pavers are not good for an area where there is a lot of vehicular traffic.

Mr. Lisko asked if he considered using pervious pavers in the area around the pool. Mr. Palus stated he did but decided to go with concrete because of the durability and stability. He has concerns about the settlement of the pavers because of the type of soil he has.

Public: none

Mr. Greig wanted a condition that there will be shrubs between the generator and the neighbor. Mr. Palus agreed.

Board comments:

Mr. Fowler stated the whole presentation was very well thought out. Based on the testimony he would vote in favor of the application.

Mr. Cupoli stated the Board had some concerns and suggestions and Mr. Palus has denied them and feels he is not willing to work with the board. Based on that he would vote against the application.

Mr. Cupoli stated he likes the impervious coverage has been significantly reduced and likes the condition of the shrubbery by the generator.

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Mr. Fitzgerald stated the generator matter has created a challenge for a lot of people in town. He believes it is a necessity and would be in favor of the application.

Ms. Casserly stated she appreciates his thoughtfulness and taking into consideration the effect of the generator on his neighbor.

Mr. Hutchinson appreciated his comments on the concrete vs. pavers and understands his opinion.

Mr. Ross stated it's a great property and a great addition. Any other property in town the location of the generator would be close to compliant. He has no problem with the application.

Mr. Lisko stated he agrees and is in favor of the application. Appreciated the comment about the concrete around the pool. Feels the location of the generator makes perfect sense.

Mr. Lisko added that Mr. Palus is requesting a variance for additional cubic yards of fill. Mr. Palus agreed.

Mr. Bianchi stated he will want an as-built with impervious coverage figures.

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

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

NAYS: Mr. Cupoli,

ABSTAIN:

Ms. Claudio stated the owner of 139 Terrace Road would like to change the design of the front steps. It was decided that she must submit a minor land use application with drawings to Mr. Bianchi so he can determine if the change affects the variances given.

Ms. Claudio stated Peter Danielle of 606 11<sup>th</sup> submitted a letter requesting to change the garage location. The change would make a 15 foot clearance between the house and garage instead of 10 feet which does not alter the setbacks or require a variance.

Mr. Hutchinson made a motion to approve the change and authorize Ms. Claudio to notify the applicant, which was seconded by Mr. Fitzgerald and approved unanimously.

Ms. Claudio stated she received a letter from attorney Timothy Middleton representing Edward Kloss, 603 Ocean Avenue. The letter requested a 6-month extension. Ms. Claudio stated the application was approved in 2011 and has received several extensions, the latest expiring on June 30, 2017. Mr. Kennedy explained the Permit Extension Act also expired on June 30, 2017 and no longer is applicable. Mr. Lisko stated he doesn't mind giving them a year. Mr. Fitzgerald was concerned about the house sitting in disrepair for another year. The board was also concerned about granting additional extension. Mr. Fowler made a motion to grant the extension until July 1, 2018 which was seconded by Mr. Fitzgerald and approved unanimously.

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