

ZONING BOARD OF ADJUSTMENT

October 26, 2017

PRESENT: Judy Young, Michelle Casserly, Mark Fitzgerald, Jonathan Lisko, and Philip Greig

ABSENT: Robert Cupoli, John Hutchinson, Charles Ross, and Manuel Fowler

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

Workshop Discussion: None

Ms. Casserly made a motion to waive the reading and approve the minutes of the September 28, 2017 meeting, which was seconded by Mr. Fitzgerald and approved by the following vote:

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

NAYS:

ABSTAIN: Ms. Young

Mr. Greig made a motion waive the reading and approve the resolution granting approvals to John & Colleen Palus, 56 Inlet Terrace, which was seconded by Ms. Casserly and approved by the following vote:

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

NAYS:

ABSTAIN: Ms. Young

Ms. Claudio stated the Board heard an application earlier this year for Eugene Sova, 1402 B Street. The application was to relocate a door and porch to make the enclosed back porch more of a usable living space. Mr. Sova submitted his permits to the Construction Department but the resolution only mentioned relocating a door and not the porch associated with the door. The Board recalled the deck being part of the discussion and had no issue with the Construction Department moving forward with the permit review.

DONATO APICELLA – 307 11TH AVENUE

Appearing for this application was Mr. Apicella and his attorney Steve Polinski. Mr. Polinski asked to carry this application without any need for re-notice because there are only five board members present and the application is requesting a use variance. This application was postponed to the November 16, 2017 meeting.

TONI DAHROUGE – 109 8TH AVENUE

Appearing for this application was Ms. Dahrouge and her nephew CJ Aker. Mr. Aker stated he is not an architect but has been working in architecture for several years. Mr. Kennedy explained they require five affirmative votes for this application and there are only five members present.

Ms. Dahrouge stated she has owned the property since 1972. The property currently has two structures, a front two and a half story home and a rear garage with two apartments. She occupies the front structure year-round and the two rear apartments are rented on a yearly basis. She stated her application is for the front structure and not the rear structure.

She explained she would like to make her kitchen and dining room bigger because her family is getting larger. Her laundry area is also in her kitchen which she doesn't like. She would like to propose an addition next to where the existing bathroom is to make the rear of the house squared off to make those rooms bigger. She explained her existing kitchen and bathroom area are not on the same level, would like to make them level.

Mr. Aker stated the proposed addition is 128 square feet and there's 11 square feet for a porch. Floor area ratio is only 43% which is well under the maximum permitted. A variance is required for impervious coverage which is not changing, building coverage, 25% is required and

ZONING BOARD OF ADJUSTMENT

October 26, 2017

proposing 34%, and a use variance for being a multi-family property. There is no effect on drainage and storm-water management. There are several properties in the area with similar size homes. All setbacks will remain the same, there is no setback variance required for the addition.

Mr. Greig asked if a car can fit in the garage. Ms. Dahrouge stated a car could fit. Mr. Greig questioned how there is no increase in impervious coverage. Mr. Aker explained where the addition would go already has a concrete patio.

Mr. Fitzgerald asked if there has been any noise or police issues with the rear tenants. Ms. Dahrouge replied no. Mr. Fitzgerald asked if they would consider reducing the garage to one apartment. Ms. Dahrouge replied no, stating they've been there forever. He asked how the neighborhood is being improved by this application. Mr. Aker stated the improvements benefit the use of the home for the owner.

Ms. Casserly clarified there is no increase in number of bedrooms and no effect on parking. Ms. Dahrouge agreed.

Public:

Nettie Aker, has lived on 8th Avenue for over 40 years, she has a back house with two apartments also. Ms. Dahrouge has been a wonderful neighbor. Implored the board to make her happy and the rest of them happy too by letting her have the extension.

Christie Kropac-Whitehead, 115 8th Avenue, stated Ms. Dahrouge is a wonderful neighbor and her tenants are awesome. Would like to see her live in her house in comfort.

Diane Barbara, 111 8th Avenue, lives right next door for twenty years. She is a great person. She just built her house seven years ago, her addition would look nice from her view of the property. It will be better for everyone in the long run.

George Komitas, 111 3rd Avenue, has known Ms. Dahrouge forever. As a member of first aid he saw how hard it was to get her husband in and out of the house with the uneven levels. Hopes she gets the addition.

Matt Dates, 107 8th Avenue, has lived here for 10 years. Her tenants are always quiet and helpful. Has been to her house for dinners and felt bad taking up space not being a family member because it's tight.

Ed Windas, 416 7th Avenue, not a neighbor but has known Ms. Dahrouge for many years. He has seen the many transitions of levels in her home and feels this would be safer for them. They have heard there is no change in impervious coverage and the floor area ratio is well under. Feels it's a de minimus change and hopes the board approves it.

Carolyn Sharrock, 412 6th Avenue, stated her daughter married Toni's son and has seen the uneven levels in the home and how small the kitchen is. The family is getting bigger and bigger and they are literally on top of each other in the kitchen and dining room.

Board comments:

Mr. Greig asked if this plan makes all the levels even. Mr. Aker stated there is still one step down from the computer room area. Mr. Greig stated this is a relatively small change to the affected neighborhood. He stated he would vote for this.

Ms. Young stated she would be inclined to vote yes.

Mr. Fitzgerald stated there are some pockets in town where garage apartments are a problem but the compelling testimony from the neighbors tells him that she is a good neighbor and landlord. Mr. Komitas's comment being an EMT also takes great weight. He stated he will vote in favor.

Ms. Casserly stated based on the testimony, Ms. Dahrouge and her cooking are a great asset to the neighborhood.

ZONING BOARD OF ADJUSTMENT

October 26, 2017

Mr. Lisko stated we don't usually have a lot of neighbors coming out to support an application so it means a lot to see so many people come out and speak highly of the applicant and the tenants.

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

AYES: Ms. Casserly, Mr. Fitzgerald, Mr. Lisko, Ms. Young, and Mr. Greig

NAYS:

ABSTAIN:

Ms. Claudio stated she received an extension request from the owner of 98 13th Avenue. This property was the subdivision at the old Tropical Pub site. The application was approved in 2007. Ms. Young and Mr. Fowler were on the board then. It was a major subdivision with several variances on all four lots.

Mr. Kennedy suggested we could ask for a letter from their attorney with more information such as what they have done with the property since then and why they want the extension, etc.

Mr. Fitzgerald was concerned about not having enough information and the variances having lapsed because they did not request previous extensions.

Mr. Kennedy suggested we get more information from the applicant and then review their request. He would also have to review when the permit extension act went into effect and how it relates to this application.

Mr. Lisko thought he remembered Mr. Shippers requesting an extension previously because there was discussion on maintaining the property.

Ms. Claudio stated she received a letter from Jennifer Wagner of 1211 Briarwood Road requesting a one year extension. Ms. Claudio stated the application was approved on October 22, 2015. They incurred additional costs when the soil borings determined they will need to use helical piers. Mr. Fitzgerald made a motion to grant a two-year extension, which was seconded by Ms. Casserly and approved unanimously.

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