

PLANNING BOARD

FEBRUARY 12, 2018

PRESENT: Rick Meyer, Mike Campbell, Ed Windas, Jared Cohen, Larry Reynolds, Chris Hoffman, Brian Magovern, and Tom Burke

ABSENT: Robert Forte, Thea Sheridan, and Matthew Doherty

ALSO PRESENT: Board Attorney Douglas Kovats, Esq., Board Secretary April Claudio and Board Engineer Joseph Venezia

At approximately 7:00 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on December 18, 2017 and by posting a copy of said notice at the Municipal Complex on the same date.

Workshop: Mr. Kovats gave brief explanations of the two applications on the agenda. Mr. Kovats explained he spoke to a neighbor regarding 1501 D Street about wanting to send in a letter because they could not attend the hearing. He explained to the Board that generally we do not accept letters because you cannot cross examine a letter and discussed the hearsay and residuum rules. Another resident did submit a letter regarding the same application.

Mr. Kovats administered the Oath of Office to Board Members Reynolds and Cohen

Mr. Burke made a motion to waive the reading and approve the minutes of the January 8, 2018 meeting, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Mr. Meyer, Mr. Campbell, Mr. Windas, Mr. Magovern and Mr. Burke

NAYS:

ABSTAIN: Mr. Reynolds, Mr. Cohen and Mr. Hoffman

Mr. Campbell made a motion to waive the reading and approve the resolution of James Stewart, 214 13th Avenue for a minor subdivision, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Mr. Meyer, Mr. Campbell, Mr. Windas, and Mr. Burke

NAYS: Mr. Magovern

ABSTAIN: Mr. Reynolds, Mr. Cohen and Mr. Hoffman

TENTH AVENUE ASSOCIATES URBAN RENEWAL LLC – 707 & 709 TENTH AVENUE

Appearing for this application was attorney John Haulenbeek, principal of the LLC Sanford Loran, and engineer Rich Difolco. The proposal was to consolidate Lots 5 and 6 into one lot, lot 5.01, and subdivide a portion of lot 6 into a small lot to square off the rear of the property near lot 8. In the near future lot 8 will be making an application to the Planning Board to take on the new small lot 6.01.

Mr. Difolco confirmed that Jaeger Lumber is working on a site plan application to come before the Board in the near future which includes absorbing the new proposed lot 6.01. There are no variances being requested. He added per the engineer's request they would agree to set the monuments but not at this time. Mr. Venezia had no objection to that. Mr. DiFolco stated they have requested waivers from the submission of an EIS, storm water plan, traffic plan, parking plan, and landscaping plan because this application is a sister application to their original application presented to the Board last year. Nothing has changed from their original application.

Mr. Loran reiterated they will convey the new small lot to Jaeger lumber immediately after the 45-day appeal period.

Public: None

The Board members had no comments other than the application being pretty straight forward and having no issues with it.

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

AYES: Mr. Meyer, Mr. Reynolds, Mr. Cohen and Mr. Hoffman, Mr. Campbell, Mr. Windas, Mr. Magovern and Mr. Burke

NAYS:

ABSTAIN:

ELW 610 LLC – 1501 D STREET

Appearing for this application was attorney Mike Mills, engineer Mike Cannon, owner Sean Wong, and contractor James Alburtus. The proposal is to subdivide a lot into two lots. One lot will be conforming and the second lot will be non-conforming. The lot sizes are both conforming, however one lot does not meet the lot frontage requirement.

Mr. Wong stated he owns the property with this wife. He has owned property including a business in Belmar for about 25 years. Owns property at 1506 Main Street and 502 16th Avenue. The property being presented is next door to the home he owns on 16th Avenue. He would like to build two houses on the two new lots but is not sure if he will sell them or keep them.

Mr. Cannon stated the existing site is an irregular shaped lot consisting of 10447.5 feet. The site is currently vacant with no structures. Would like to subdivide the property into two lots: 3600 square feet and 6857.5 square feet. The subdivision plan submitted shows the footprints of two conforming houses, one on each lot. Requesting a variance for lot frontage on proposed lot 21.02. Ample parking is being provided for both lots with driveways.

Mr. Kovats asked for the setbacks of the driveways because he believes a three-foot setback is required on either side of the driveway on lot 21.02. This would create another possible variance. Mr. Cannon stated they could reduce the size of the driveway to 9 feet to conform to the setback requirement. He also stated they will reduce the width of the driveway on lot 21.01 to 9 feet as well. He stated there is an existing curb cut but will have to add a second one for the new lot.

Mr. Burke questioned what would be considered the front of the house for lot 21.02. Mr. Cannon stated they are just proposed footprints. They will submit permits for conforming homes in the future. Mr. Burke asked about landscaping. Mr. Cannon stated they will install plantings around the foundations.

Mr. Campbell and Mr. Alburtus discussed the water/sewer connections for both lots.

Mr. Alburtus explained they propose to build 2 ½ story homes with three bedrooms and 2 ½ bathrooms. Has built homes in the neighborhood that look very similar to what they plan to build.

Mr. Cannon stated the proposed impervious coverage would decrease with the size of both driveways being decreased.

Mr. Burke stated he would like to see the side yard setback for lot 21.02 be increased. Mr. Cannon stated they could move the house to the south a bit to have 10 feet.

Mr. Venezia asked about screening or fencing for lot 21.02. Mr. Cannon stated plot plans showing both will be submitted when file for permits for both lots. Mr. Alburtus added that a white vinyl fence will be put up around the perimeter of the rear lot.

Mr. Kovats asked about parking. Mr. Alburtus stated they will lose one street parking space. Mr. Cannon stated they meet the parking requirements for both lots.

Public:

Wayne Theilen, 501 15th Avenue, asked if the proposed homes will be rental properties. Mr. Alburtus stated Mr. Wong may live there or sell them. Mr. Theilen felt they will be rentals. Was concerned about more people coming into the neighborhood. Also concerned about a fire truck being able to access the rear lot. Calling the police on the rentals doesn't work. Also concerned about water runoff on his property. Feels nobody in the neighborhood wants this.

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Janelle Clark, 508 16th Avenue, talked about the noise from 502 16th which Mr. Wong owns. Concerned about privacy with two homes being jammed in between other homes. Concerned about this depreciating her property value. She would prefer one house that is reasonably sized.

Earnest Johnson, 504 16th Avenue, was concerned about privacy and traffic. Felt two homes would be too much and create chaos.

Rob Thacker, 1502 D Street, stated they have the right to build one house. What they are asking for is not reasonable. Parking is already an issue and now will get worse. Also concerned about having more rentals.

Lou Theilen, 501 15th Avenue, lived there for over 50 years. Parking is atrocious. Also concerned about fire safety. Can't see two houses there.

Wayne Theilen stated the renters are going to tear up the property which he has maintained at no cost because he wanted it to look nice.

Ms. Clark stated there are neighbors that couldn't attend that agree with what they have all expressed.

Mr. Thacker stated they have the perfect opportunity to have a nice size house with a nice yard.

Board Comments:

Mr. Meyer stated it is a sizeable property and the proposal is a creative way to fit a square peg in a round hole. Does have concerns about fire safety. There seems to be a concern about utilities that may need to be considered. Not convinced two homes will really improve the neighborhood.

Mr. Reynolds stated proposal is creative but the lot is tight. Also concerned about fire safety. Could not vote in favor of this in good conscious.

Mr. Cohen stated he is not inclined to grant the frontage variance. Doesn't think it fits in with the neighborhood.

Mr. Magovern agreed with Mr. Meyer about the fire hazard. Feels this would ruin the neighborhood completely.

Mr. Burke stated there isn't much more to add.

Mr. Hoffman concurred with the comments made.

Mr. Windas agreed. He agrees there should be one home. Also agrees there's a fire safety issue.

Mr. Mills stated the applicant wishes to withdraw the application.

Mr. Cohen stated we need to vote on the merits. Mr. Burke agreed.

The Chair requested Mr. Kovats to frame a motion on the application and a resolution for approval was set out on the record. Mr. Kovats reminded the Board that a motion and second on the resolution simply presented the matter before the Board for vote and did not oblige the movants to vote in favor of the application.

Mr. Windas entertained Mr. Kovats' suggestion that an Executive Session be held to discuss the present status of the application. At approximately 8:44 p.m. the Board by unanimous voice vote agreed to convene in Executive Session for 15 minutes to discuss the matter with Mr. Kovats.

At approximately 8:50 p.m. the Board reconvened. All were still present.

The Chair advised there was a motion and second to approve the application.

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Mr. Cohen made a motion to approve the application, which was seconded by Mr. Burke. The application was denied based on the following vote:

AYES:

NAYS: Mr. Meyer, Mr. Campbell, Mr. Windas, Mr. Magovern, Mr. Reynolds, Mr. Cohen and Mr. Hoffman and Mr. Burke

ABSTAIN:

Public: none

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