

PLANNING BOARD

September 17, 2018

PRESENT: Rick Meyer, Thea Sheridan, Michael Campbell, Edward Windas, Thomas Burke, Brian Magovern, Christopher Hoffman, Robert Forte, and Larry Reynolds

ABSENT: Jared Cohen and Jennifer Nicolay

ALSO, PRESENT: Board Attorney Douglas Kovats, Esq., Board Secretary April Claudio, Board Engineer Derek Jordan

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 a brief explanation of the application on the agenda. Mr. Burke stated after the last meeting he had some concerns about the amount of parking for the application of 1600 Highway 71. He felt the existing parking spaces is not adequate for the amount of businesses on the property. Mr. Kovats recommended that further discussion on this can be had at the time of the vote on the resolution. He also added that parking variances had previously been granted to the site and they were asking to maintain that variance.

Mr. Campbell made a motion to approve the minutes of the August 20, 2018 meeting, which was seconded by Mr. Forte and approved by the following vote:

AYES: Mr. Meyer, Ms. Sheridan, Mr. Campbell, Mr. Windas, Mr. Reynolds, Mr. Magovern, Mr. Forte, Mr. Burke and Mr. Hoffman

NAYS:

Mr. Campbell made a motion to waive the reading and approve the resolution for GSK LLC, 1600 Highway 71, which was seconded by Mr. Forte and approved by the following vote:

Mr. Burke would like section G of the resolution to be addressed. Mr. Kovats stated this is a condition of approval and therefore has not happened yet. Mr. Kovats stated we will bring it to the attention of the applicant to ensure it is complied with.

AYES: Mr. Meyer, Ms. Sheridan, Mr. Campbell, Mr. Windas, Mr. Reynolds, Mr. Magovern, Mr. Forte, and Mr. Hoffman

NAYS:

ABSTAIN: Mr. Burke

DOWN TO EARTH CONSTRUCTION LLC – 517 15TH AVENUE

Dennis Galvin, representing the Dnistrians of 515 15th Avenue, was present in opposition to the application.

Appearing for this application was attorney William Shippers, engineer/planner Rich DiFolco, and applicant William Merkler. The application is to subdivide an oversized lot into three non-conforming lots. Mr. Shippers submitted some photo boards as exhibits.

Mr. Merkler stated he would like to build three custom homes that are affordable for families. He gave a history on all the homes he has built throughout town with his partner Northend Builders. When he saw this property for sale he was concerned someone would purchase it and rent it out to summer tenants that would patron the local bars in that area. Originally thought about doing two duplexes like what is across the street but came up with this plan which he felt was better.

Mr. DiFolco stated the site is 10,632 square feet with a home, two garages, and a driveway. The property sits in the R75 zone but sits right next to the zone line of the R36 zone. To the east of the R36 zone is the R40 zone. Felt this lot and neighboring lots have a difficulty to conform to the R75 zone given the depth of the blocks. Mr. Galvin objected to Mr. Shippers leading questions with Mr. DiFolco. Mr. DiFolco gave more explanation on block widths in various zones in relation to this application.

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He added there is a property across the street also in the R75 zone that was subdivided years ago into lots using the R36 zoning criteria. He showed that all the lots on both sides of the street from D Street to E Street range from 40-45 feet wide. He referenced the Borough's Master Plan Re-examination report of 2016 which mentioned the demographics of the town have changed and there is a need for new homes and families in Belmar. The same report also mentioned preserving the characteristic of neighborhoods which they feel their plan does. The subdivision plan meets all the side yard setback requirements and has adequate parking. The covered porches on the proposed homes would line up with the neighboring houses on the street. Variances required for lot size and lot frontage. But in comparison to the R36 zone they would comply with lot size for two of the three lots. All three lots would comply with lot frontage for the R36 zone. All three lots will comply with building coverage, impervious coverage, and floor area ratio. The average front yard setback is 12.9 feet for the street. The proposed front setbacks are 14.4, 14.4 and 14.9 feet. A drainage study was done comparing the existing lot vs after development which showed a very small and insignificant increase. There is no impact on traffic. There is no impact to air, light and space. There will be more open space in the rear yards than there is today because there are no accessory structures proposed.

Mr. Shippers and Mr. DiFolco stated Mr. Merkler or whomever could come to the Board asking to build two larger homes on the property instead which would be closer to the property line and much taller. Mr. DiFolco stated the proposed homes will not have a basement and will be under the 35 feet height limit. They will only be two story homes not two and a half as depicted on the zoning chart. They agreed they would build a two-story home with an attic and the height would not exceed 30 feet. Mr. DiFolco felt there is no negative impact on the neighbors if the plan were approved and is consistent with the master plan. There would be no impact on any utilities as well.

Mr. Campbell asked what the price range is. Mr. Merkler stated it is \$675,000-775,000.

Mr. Forte asked for clarification on the lot across the street that was subdivided. Mr. DiFolco stated it was subdivided into five lots in 1989. The lots were created to reflect the R36 zone but it sits in the R75 zone. He added that the zone map on his plans was incorrect however exhibit A5 reflects the correct zone boundaries.

Mr. Burke asked about traffic impact. Mr. DiFolco stated it is a low traffic generator and there is adequate parking so there would be no negative impact.

Mr. Kovats pointed out the zone map attached to the application reflects the correct zone boundaries and matches exhibit A5 which Mr. DiFolco confirmed. Mr. Kovats asked if there would be curb and sidewalk installation. Mr. DiFolco replied yes.

Mr. Jordan confirmed the correct zoning boundaries which matches exhibit A5. Most of the comments in his review letter have been addressed. Would like a copy of the surveyor's certification of the average front yard setback and the storm water analysis report. Mr. Jordan asked for clarification on the proposed height. Mr. DiFolco stated they would ask for a not to exceed of 32 feet. Mr. Merkler added that the additional two feet would allow for room to have utilities placed in the crawl space. Mr. Shippers submitted a copy of the storm water analysis.

Mr. Galvin asked for clarification on the building and impervious coverage which Mr. DiFolco reiterated his earlier comments. Mr. Galvin asked if the property is in a flood zone. Mr. DiFolco stated the property is not in a flood zone. Mr. Galvin asked about drainage. Mr. DiFolco stated the drainage runs from the rear of the lot to the front. Mr. Galvin asked about curb cuts. Mr. DiFolco stated there are two now and there will be three. Mr. Galvin asked if this would create more impact on the street. Mr. DiFolco stated it would be a change but not an impact. Mr. Galvin felt they are trying to rezone the property and create spot zoning. He asked for the size of the homes. Mr. DiFolco stated they would be 25.7 x 36.7 ft. which comes out to 1871.4 square feet with a non-habitable attic. Mr. Galvin asked about a deed restriction to prevent rentals. Mr. Merkler stated he is building these homes for sale and cannot prohibit the owners from renting just like you can't anywhere else in town. Mr. Merkler added that he has built many homes in Belmar that have created a benefit to the town and these will do the same. Mr. Galvin asked about architectural plans for the homes.

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Mr. DiFolco stated they meet the zoning criteria and subdivision plans do not require architectural plans. Mr. Galvin asked if two homes would be better for the lot because setbacks would be increased. Mr. DiFolco disagreed.

Public: Christine Cardellino, 510 15th Avenue, has lived here for 11 years, speaking for herself and two of her neighbors. They feel it would have a negative impact on the neighborhood. It does not fit in with the one-story bungalows on the street. There is an impact on traffic and drainage. Felt there are too many variances. Feels it is irresponsible to build homes for families without a basement and a garage. Concerned about the houses becoming group rentals.

Mr. Shippers asked Ms. Cardellino if she objects to the existing two-story homes on the street which she stated she does.

Michael Sterling, 516 16th, stated the testimony was confusing to him but understood that they said three new homes would be a benefit to the neighborhood. He disagrees. He is familiar with the property having lived there years ago and there were water issues with flooding in the basement. Doesn't see how three houses is better than one. Its three times more traffic and noise. Doesn't understand how this will be better for him.

Kelli Christensen, 519 15th Avenue, stated there is a lot of traffic on this block and is concerned about three driveways backing out. Doesn't consider these homes to be affordable. Does not agree with the proposal.

Martin Hering, 514 15th Avenue, stated there will be less parking on the street by having three driveways. He was concerned about the homes not being affordable and people purchasing them and making them rentals.

Jimmy Alburtus, 902 Main Street, stated whatever they build on the lot, their goal is to build nice homes to bring families to Belmar. He gave some history on some of the lots on the block. Either way variances are going to be needed for two or three homes.

Mr. Galvin stated this lot would be far better designed with two homes.

Mr. Shippers stated he feels they have met the burden that there is not a substantial detriment to the public and deviant from the zone plan. Another driveway and a few more cars for the tradeoff of having three brand new homes. This would spur redevelopment and construction. They are three modest homes not pushing the envelope. Change is scary to everyone but often when good comes people welcome it. They are not overbuilding the site. These are appropriate houses for the area.

Board Comments: Mr. Meyer stated he knows Mr. Merkler has done a lot of great things for this town but after hearing everything tonight he supports a two-house scenario.

Ms. Sheridan stated she appreciates the argument that the zoning is close to the R36 zone but would prefer two homes.

Mr. Campbell stated he knows the neighborhood and knows Mr. Merkler's work. Knowing the builders on this, it would be an improvement to the neighborhood and would be in favor of it.

Mr. Reynolds stated he knows their work and they have done great work but has visited this property and feels three homes is too many and will be cramped.

Mr. Forte stated the applicant is trying to extend the R36 zone into the R75 zone which can't be done. Suggested they go to the Mayor and Council to ask for the zoning to be changed. Doesn't see this as a benefit to the Borough.

Mr. Magovern felt the homes don't meet affordable housing requirements.

Mr. Burke stated he does admire their work however he agreed with Ms. Cardellino about the need to have places to store their stuff. He would be in favor of two homes.

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Mr. Hoffman agreed with Mr. Burke.

Mr. Windas stated he can't believe this property is in the R75 zone. Does feel three homes may be too many but they have made a compelling argument. He is in favor of the application.

Mr. Shippers stated they have heard the concerns and would like to speak to Mr. Merkler to see if he would like to withdraw his application or amend it. He would ask the Board not to vote.

Mr. Galvin felt they should have said earlier that they don't want a vote.

Mr. Shippers stated they haven't discussed setbacks, coverage, and design of two homes and isn't sure how that would work.

Mr. Kovats stated the Board has allowed the applicant to amend or withdraw before a vote but is the preference of the Board.

Mr. Magovern stated he doesn't have a problem with them amending the application. Mr. Meyer agreed. All board members except for Mr. Burke and Mr. Forte agreed to carrying the application to a future date.

Mr. Kovats stated Mr. Shippers will have to re-notice given substantial changes will have to be made.

Mr. Galvin stated if they come back with two homes they will be supportive but wants to ensure they come back and a vote is taken. Mr. Kovats asked Mr. Shippers if he would accept the Board taking a vote if there is no response within 60 days. Mr. Shippers felt 90 days would be better. The Board was fine with 90 days.

Public: none

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