

ZONING BOARD OF ADJUSTMENT

JULY 26, 2018

PRESENT: Mr. Hutchinson, Mr. Greig, Mr. Fitzgerald, Mr. Lisko, Ms. Young (arrived 7:45 p.m.), Mr. Cupoli, Mr. Ross, Mr. Fowler

ABSENT: Ms. Casserly

ALSO, PRESENT: Board Attorney Kevin Kennedy, Esq., Board Secretary April Claudio, Borough Engineer Derek Jordan and Ryan Dullea and Tucker Brendle from the Belmar Fire Prevention Bureau

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 December 18, 2017 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Kennedy announced the application for 405 14th & 402-404 15th Avenue has been carried to September 27, 2018 at the request of the applicant's attorney. There will be no further noticing.

B&H BELMAR 2010 LLC – 12TH AND RAILROAD (JAEGER LUMBER)

Appearing for this application was attorney George McGill, engineer Rich DiFolco, and owner Brian Jaeger.

Mr. McGill stated they are asking for permission to install a rack system for lumber storage, which will also enclose the site. Seeking site plan approval with a use variance for the non-conforming use and a slight increase of less than 1% in impervious coverage.

Mr. Jaeger explained their yard is for storage of all their lumber and decking. The lot is enclosed with a chain link fence, which makes everything on the site visible. Would like to enclose the yard with racking which would get material off the ground and protect it more. Will make the product less visible and make the property run more efficiently. There will be no expansion of the operation.

Mr. McGill submitted two photo boards. One shows photos of the existing site. The other shows their site in Point Pleasant which has a similar set up to the proposal. Mr. Jaeger stated there will also be at 19 ft. high shed on the property.

Mr. Jaeger stated there will be "L" racks around the perimeter of the property as well as a "T" rack in the center of the property. He explained the process of the public accessing the lumber yard per the engineer's review letter. They are only open from 7 am to 4:30 pm, which is when there is light. There is a telephone pole with a light that will be removed causing less light, but they do not need any lights to operate there. The proposal will also help with debris blowing over onto the school property.

Mr. DiFolco explained the layout of the property and the proposal as depicted on the drawings he prepared. He stated the proposal would be more aesthetically pleasing which will be a benefit. There will be no detriment to the neighborhood. The impervious coverage will be slightly increased by less than 1% because of the additional lot 6.02 that was added to the property

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through planning board approvals a year ago. There will be no change or increase in water runoff.

Mr. Fowler asked when construction would start. Mr. Jaeger would like to start within a month. Mr. Fowler asked if there were any complaints about the property being unsightly. Mr. Jaeger stated at his Point Pleasant property yes, but not here.

Mr. Cupoli pointed out the height of the stacked lumber will decrease when moved into the racks.

Mr. Fitzgerald asked about snow load. Mr. DiFolco stated they are manufactured to handle wind and snow load.

Mr. Hutchinson asked them to speak more about safety. Mr. Jaeger stated currently when there are high winds they must lower the lumber stacks. These racks will help reduce wind.

Public: Elizabeth Tates, 313 ½ 11th Avenue, was concerned about more water coming into the yard or onto the school property.

Mr. Fowler stated we appreciate their longstanding commitment to be a part of Belmar. Hopes they keep an open dialogue with the elementary school who is their neighbor. He is in favor of the application.

Mr. Cupoli stated this is a great improvement and is in favor of the application.

Mr. Ross agreed.

Mr. Fitzgerald stated when we have a great business and employer in town who wants to make an improvement to the property it's a true testament.

Mr. Greig stated he has no problem with the application.

Mr. Hutchinson stated because of the aesthetic and safety improvements he can vote to approve the application.

Mr. Lisko stated he too is in favor of the application.

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

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

NAYS:

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At approximately 7:49 pm the Board took a brief recess. At approximately 8:00 p.m. the Board reconvened. Roll call was taken. All were still present.

EDELMAN INVESTMENT GROUP LLC – 112&114 12TH AVENUE

This is a continuation of the application from the July 25, 2018 special meeting.

Ms. Hearn submitted an illustrated rendering showing the existing streetscape vs the proposed streetscape.

Mr. Shipers stated after last night's meeting some people approached him and were confused about the proposed front façade and front setbacks.

Mr. DiFolco explained the illustrated rendering in more detail. The front of the proposed building is essentially in the same location of the existing porch.

Ms. Hearn gave a brief history on her expertise, her work on the TDRC with the seaport redevelopment zone and the work she has done in Belmar. She was tasked to design a building with 24 condo units ranging from 1100-1450 square feet. Originally, she designed a four-story building over a parking area but after feedback she was told to cut a floor off without reducing the number of units. She hopes that when this is built people who were afraid of it will be happy with it and think it's not that bad. She wants residents to have a building that they would be proud of with good architecture. She felt having the onsite parking spaces inside the building where they can't be seen from the street is a bonus. The trash will be inside, and the a/c units will be on the roof, both of which are good. Open to discussing color and siding options if the Board feels the need to.

Ms. Hearn stated the original plan was for one floor of parking with three full floors of living space and a half floor on top. This proposal allowed for some two-story units and a break in the height and roof line. The largest point of the height was in the center of the building. It also included a three-story entry lobby with a large chandelier and glass walls to create a welcoming feeling. The new proposal is for a building that is 15.5 feet shorter. As an architect she preferred the look of the original building vs the new. The new building also had a reduction of windows, balconies and pergolas due to the reduction in the height.

Ms. Hearn went through the architectural floor plans and explained the layout of each floor. Each unit would only have one or two bedrooms. They don't anticipate having families purchasing these units but rather adults. There are two units on each floor that do not have balconies. The four middle units were designed four different ways depending on if a buyer wanted a more open floor plan or more walls. The maximum number of bedrooms proposed is 42 which includes dens. Dens are not technically bedrooms but could potentially be used as one. The corner units are slightly bigger on each floor. The roof no longer has a common access but a parapet with a service access to maintain equipment only. The purpose of the parapet is to hide the mechanical equipment. She clarified the ordinance measures height to the top of the roof and not the parapet.

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She discussed other properties in town with flat roofs. She discussed the livable square footage for each floor.

Mr. Shippers stated he has several other witnesses to present and therefore suggested questions be asked of Ms. Hearn, Mr. DiFolco and Mr. Kennel first.

Mr. Hutchinson asked for more detail on the bump-out in the front of the building. Ms. Hearn stated the hope was to soften the look and add as much green as possible. There are two large trees they would remove and replace with smaller trees. Mr. Hutchinson asked if there are balconies on the north side of the property. He also asked how the balconies affect the neighbors to the east, north and west. Ms. Hearn explained the setbacks for the balconies. Mr. Hutchinson asked if this would be considered a high rise. Ms. Hearn replied no. She added a high rise is typically 10 stories or more.

Mr. DiFolco stated the height of the Belmar Inn is at 41 feet now and the proposal is 1/2 foot higher. Ms. Hearn stated there are homes on Ocean Avenue with attributes up to 45 feet which were approved and built.

Mr. Greig stated it was his understanding that we can't put pavers on sidewalks and driveway aprons. Mr. DiFolco stated you can if they are structurally sound, but the Borough Engineer suggested using concrete at the driveway crossing. Mr. Kennedy pointed out that Mr. Bianchi mentioned last night that the pavers would require a waiver variance. Ms. Hearn stated they would like to do semi pervious pavers for the sidewalks. Mr. Greig felt the pavers would look nicer. Mr. Greig asked about the parking calculations. Mr. Kennel stated if each unit would have two vehicles then that would mean there would be 24 vehicles on the street. His experience would estimate a demand of 1.5 parking spaces for this type of structure. His testimony was that there is a need for 12 parking spaces on the street. He discussed the de-minimus exception in the RSIS. He added the Belmar Inn has no parking spaces now with 40 rooms and a higher parking demand.

Mr. Fitzgerald asked about fire egress. Ms. Hearn explained the stairwells, fire doors, and sprinkler system. He asked if there is a different look possible for the building. Ms. Hearn stated she can't pitch the roof or add overhangs without changing the height. She stated there are ways of blending it as far as siding materials, colors, windows and like. Mr. Fitzgerald stated it is possible that not all 24 units will be in the building at the same time and asked if there is a process in the plan for parking spaces not being used to be used by other units to maximize the number of spaces available. Mr. Shippers stated he would have to think about that in more detail.

Ms. Young sought clarification on the heights and number of bedrooms. Ms. Hearn stated there are 6 one-bedroom units, 6 two-bedroom units and 12 one-bedroom units with a den.

Mr. Cupoli asked how much the curb extends into the street. Mr. DiFolco stated it is 7 feet which is the length of a parking space.

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Mr. Ross asked for clarification on the rear setback for the existing building because the new building is closer to the lots behind it and to the west. Asked what impact that has on lighting, air quality and shadows on those properties. Mr. DiFolco stated there will be air flow on the ground level because of the open-air garage. He added the existing building casts a shadow today. Mr. Ross had Mr. DiFolco figure out the setback to the existing building for lots 9 and 10 which is significantly higher than the proposed 5 feet.

Mr. Lisko asked what impact the bump out would have on traffic flow. Mr. Kennel stated there would be no impact because of the 13 ft wide driving lane. The bump out offers an advantage to vehicles going in and out of the driveway by increasing site distance.

At approximately 9:46 p.m. the Board took a brief recess. At approximately 9:57 p.m. the Board reconvened. Roll call was taken. All were still present.

Public:

Peter Terranova, 800 B Street, asked if the fire officials have reviewed the plans for fire access. He asked questions on the water retention system.

Steve Bloom, 1104 A Street, asked questions on the parking calculations.

Mr. Terranova and Mr. Bloom asked if the water/sewer infrastructure is adequate for this building which Mr. DiFolco stated it is.

Mr. Bloom asked about shadowing on his property. He had a letter from his solar company that stated he will lose money from his solar panels due to shadowing. He asked if there will be a fence around the property. Ms. Hearn replied yes.

Maria Florio, 115 12th Avenue, stated during snowfall the town may say no cars can park on the street, so she asked where those cars would go. Mr. Kennel stated there are public lots in town.

Jerry Krivitsky, 112 13th Avenue, asked Mr. Kennel for clarification on how his parking calculations were determined which Mr. Kennel explained. He asked Ms. Hearn what she felt the proper number of condos would be for this site. Ms. Hearn did not have the answer for that as that was not what she was asked to do.

Michelle Buzzi, 12th Avenue, discussed the storm sewers in the area and asked if they need to be addressed. Mr. DiFolco stated the storm sewers are a maintenance issue that needs to be addressed by the county and the town. She asked about 12th Avenue becoming one way because of the current traffic. Mr. Kennel stated there wouldn't be an impact to the traffic pattern, but it would be up to the borough Council to review.

Mark Presto, 110 13th Avenue, asked Ms. Hearn about other homes with flat roofs and heights over 35 feet which she spoke of earlier.

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John Meier, 203 11th Avenue, asked about carbon monoxide detection and protection in the garage. Ms. Hearn stated they will meet all the building codes.

Bobbi Henniger, 512 9th Avenue, asked about a management office. Ms. Hearn stated there is a small office on the top floor for the condo association. Ms. Henniger asked if there would be a maintenance person or property manager. Mr. Shipers stated there will be a condo association. Her point was that those people will require parking spaces as well as landscapers, movers, etc. Mr. Kennel stated his calculations don't include service vehicles because they are typically there during the day when parking would be available.

Sandra Alvear, 115 12th Avenue, asked for clarification on the garage access. She asked about the rain garden.

Steve Newman, 108 12th Avenue, asked about the trash pickup which Mr. DiFolco repeated.

Mike Seebeck, 110 2nd Avenue, asked about cars dropping off people in front of the bump out. Mr. Shipers stated they would remove the bump out and put a parking space back if the Board would like.

Elaine Giordano, 605 9th Avenue, asked about the integrity of the building and what is integrity and does the board consider it.

Lauren Aretakis, 102 12th, asked about the setbacks of the balconies on the west side of the property and the impact they have. Also asked about the details of the rain garden. She asked how many air conditioning units would be on the roof. Ms. Hearn replied 24 but will comply with the noise ordinance of Belmar.

Ina Giardina, owns two residences in Belmar, asked what other changes can be done to the building so it doesn't have a modern look.

Mr. Lisko stated we are going temporarily close the public portion because of the late hour. Mr. Kennedy announced the application will be carried to August 23rd at 7 pm without any further noticing.

Mr. Greig made a motion to approve the minutes of the June 28, 2018 meeting, which was seconded by Mr. Fitzgerald and approved unanimously.

Mr. Greig made a motion to approve the minutes of the July 12, 2018 special meeting, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Mr. Greig, Mr. Fitzgerald, Mr. Lisko, Ms. Young, Mr. Cupoli, and Mr. Fowler
ABSTAIN: Mr. Hutchinson and Mr. Ross

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Mr. Cupoli made a motion to waive the reading and approve resolution for Matthew Kelly, 1005 14th Avenue, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Mr. Greig, Mr. Fitzgerald, Ms. Young, Mr. Cupoli, Mr. Hutchinson, Mr. Ross and Mr. Fowler

ABSTAIN: Mr. Lisko

Mr. Fowler made a motion to waive the reading and approve the resolution for Andrea Sweeney and Mark Kazemi, 201 19th Avenue, which was seconded by Mr. Fitzgerald and approved by the following vote:

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

INELIGIBLE: Mr. Ross

Mr. Fowler made a motion to approve the resolution of denial for 111 10th Avenue Associates LLC, 111 10th Avenue, which was seconded by Ms. Young and approved by the following vote:

AYES: Mr. Greig, Mr. Fitzgerald, Ms. Young, Mr. Cupoli, Mr. Hutchinson, Mr. Ross and Mr. Fowler

ABSTAIN: Mr. Lisko

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