

ZONING BOARD OF ADJUSTMENT SPECIAL MEETING
JULY 25, 2018

PRESENT: Mr. Hutchinson, Ms. Casserly, Mr. Fitzgerald, Mr. Lisko, Ms. Young, Mr. Cupoli, Mr. Greig, Mr. Fowler and Mr. Ross

ABSENT:

ALSO PRESENT: Board Attorney Kevin Kennedy Esq., Board Secretary April Claudio, Zoning Official Ted Bianchi, and Borough Engineer Derek Jordan

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.

EDELMAN INVESTMENT GROUP LLC -112&114 12TH AVENUE

Mr. Kennedy gave a brief explanation on the public hearing process and how the public involvement is handled. He further explained how the decorum of the public should be.

Mr. Shippers identified who the principals are of the LLC. He stated he is the sole member. Mr. Edelman who is a neighbor has no investment or interest in this project. The owners of the property are Rainbow Hospitality, which is Duran Marvani. Edelman Investment Group is the contract purchaser.

Karen Shelton, attorney and resident was present to represent herself as an objector.

Mr. Kennedy explained the Board should be voting on whether the application meets the legal standards or not and should not base their vote on the number of people for the application or against the application. Mr. Kennedy marked all exhibits into the record.

Appearing for this application was Mr. Shippers' legal partner David Lonski who will be acting as the attorney for the application since Mr. Shippers is the applicant.

Mr. Shippers gave a history of how he came to Belmar in the late 90's and how the town has evolved over the years which includes some redevelopment done by him. There are several properties in Belmar that prevent more redevelopment, one of which is the Belmar Inn. He recalled the conversations he had with his client Howard Edelman about what could be done about the Belmar Inn when they were discussing his application to build a new home at 201 12th Avenue. Vincent Falcone who also lives around the block and has done a lot of redevelopment in town also wanted to do something with the Belmar Inn. Many people approached them, but the building was not for sale. Somehow Mr. Edelman got the owners to discuss a sale price which is not cheap. They are assessed at over 2 million and there are a lot of other costs involved.

Mr. Shippers began to discuss why the Belmar Inn needs to go. He requested police reports from the town to lay a foundation as to why. He had over 150 pages of police and emergency calls and highlighted only a few of them which were for EMS situations, drugs, prostitution and other illegal activity. He asked for his record of police calls to be marked as an exhibit.

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Mr. Shippers then presented the records he received regarding fire and code enforcement violations from 2002-2017. Highlighted issues of no heat, excessive fire and first aid calls, bed bugs, unsanitary conditions, blocking of fire escapes, false alarms, etc. Most recently 25 fire code violations. These records were marked as an exhibit.

Mr. Shippers spoke about resident Maria Florio who lives near the Belmar Inn. He requested to mark several Mayor and Council meeting minutes as exhibits. These minutes showed Ms. Florio expressing her concerns about the Belmar Inn.

Mr. Shippers stated the property is in the R-75 zone which is a single-family zone. However, he pulled all the tax records for the neighborhood to see what exists. He presented a copy of the tax map dated 2001 which he amended to reflect current conditions of the properties. He presented a google earth areal map of the neighborhood. These two maps showed the lack of redevelopment in the area as well as many multi-family homes.

Mr. Fowler asked when the testimony on the proposed plan will be presented. Mr. Kennedy stated Mr. Shippers will have his architect and engineer present the plans.

Mr. Greig asked out of all the multi-family homes mentioned do they know how many were grandfathered in prior to the zoning ordinances being enacted. Mr. Shippers stated he does not have the information but would have liked to. He added that all the information he provided so far is to establish a factual basis and will be discussed further when the engineer testifies as a planner.

Public:

Sandra Alvear, 115 12th Avenue, asked if there was a binder of violations of the properties across the street at 105,107,109 12th Avenue. Mr. Shippers stated those calls are also in the log. She asked Mr. Shippers if he knew many of the homes were single family and converted to multi-family. Mr. Shippers suspected that to be the case. She pointed out some inconsistencies with the google map and highlighted the group rentals on the block. Mr. Shippers asked her if she is happy with the group rentals. She stated she is not and is also not happy with the Belmar Inn.

Mark Presto, 110 13th Avenue, asked how many of the homes he discussed were over 35 feet, violate the setbacks, over the floor area ratio, etc. Mr. Shippers stated none of that was part of his testimony.

Hoda Naggiar, 104 12th Avenue, asked Mr. Shippers why he testified that he didn't want condos or townhouses on Ocean Avenue. Mr. Shippers felt at that time it was not economically feasible and stated he would build single family homes now if could make some profit. Mr. Shippers pointed out the multi-family cluster ordinance which would allow him to come before the Board to build townhouses here as a conditional use, however that does not render enough dollars to sell in this or future economies where he would make enough money to pay the price to get rid of the Belmar Inn.

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Linda Chelsen, 1602 L Street, stated she doesn't understand why the Police and Code Enforcement Departments can't address the problems at the property as an alternative to his proposal. Mr. Shippers pointed out the limitations of the Police Department and the town. He felt cleaning up this property would allow town resources to focus on other problem areas.

Rob Marino, 111 11th Avenue, stated he has lived behind the hotel since 1985 and could give his own list of issues. He asked why something suitable for everyone can't be built. Felt the proposal will be right in his backyard.

Donald Winters, 302 14th Avenue, asked for clarification on statements previously made by Mr. Shippers on how the property creates a demand on borough services. Mr. Shippers stated it is a public good for these services when a property like this is removed from the town. It becomes less of a demand on public taxes. Mr. Winters pointed out that Mr. Shippers' economic hardship is not basis for granting the variances. Mr. Shippers stated that cannot be the sole reason for granting a variance but explained the legal special reasons the Board must consider.

Steve Bloom, 1104 A Street, asked if we could move on with the presentation and learn about the proposal.

Arlene Neppel, 100 15th Avenue, asked if Rainbow Hospitality is partners with Mr. Shippers. Mr. Shippers replied no. He reiterated several times that there are no other partners, he is the sole member of the LLC. She felt the property owner or manager should be responsible for taking care of the property.

Lynn Amare, 317 12th Avenue, asked if the property has been listed for sale or is it a private contract. Mr. Shippers stated is not listed for sale and does not know if anyone else has approached them to sell the property. He does know of some people over the years who did approach them, but they were never interested in selling.

Mark Wisniewski, 206 10th Avenue, asked Mr. Shippers how he could ask the town to approve this plan and why he can't conform to what the town wants.

Carol Costello, 416 14th Avenue, asked how many rooms are in the existing building. Mr. Shippers stated 40-44. She asked how many are in the proposal. Mr. Shippers stated 48. She asked how he will be able to assure the public that these condos won't become animal houses.

John Meier, 203 11th Avenue, stated he hasn't heard about the effect on the community such as the water/sewer lines and water runoff. He was concerned if the condos don't sell Mr. Shippers could rent them out and could be rented to the same element as is in the Belmar Inn. Also concerned about the increase on the school system. Mr. Shippers stated he will hear from his architect, planner, engineer and traffic engineer later.

Jerry Bucci, 217 12th Avenue, asked Mr. Shippers what he thinks a two-bedroom condo would sell for. He felt the condos would sell for high amounts which means Mr. Shippers would be able to recoup his money with less units.

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At approximately 9:33 p.m. the Board took a 15-minute recess. At 9:50 p.m. the Board reconvened. Roll call was taken; all were still present.

Richard DiFolco, licensed planner and engineer, explained the lot is 14,000 square feet where 7,500 square feet is required. He explained the building coverage, impervious coverage, and floor area ratio. Typically three parking spaces would be required for a single-family home in the R75 zone. The current Belmar Inn has no parking spaces. The proposal has 24 parking spaces. He explained the existing and proposed setbacks as well as the height. (He read the zoning chart as listed on the engineering plans submitted to the Board) He stated they have requested a waiver to have a curb cut in excess of 12 feet. Also asking for a waiver or variance for the flat roof. Also seeking a waiver or variance for the parking calculation. He stated the water and sewer infrastructure was replaced several years ago and is adequate to handle this type of project. He discussed water runoff to the street. Proposing to install a roof drain system through the building with catch basins at street level as well as a rain garden along the front of the building. Three onsite parking spaces would be removed to allow for the driveway access and rain garden. Proposing new sidewalks and curbs along the front of the property. There will be no concrete surfaces on the property; it will be all pavers. He discussed the proposed lighting and landscaping plan as depicted on his drawings.

Mr. DiFolco stated he reviewed the July 24th memo from the Board Engineer and spoke to him on the phone about his comments. He stated his revised plans of July 12th reflect changes to address many of the comments in the engineers two review letters. He discussed each comment in the most recent review letter one by one. There will be a trash room inside the parking garage and it will be picked up by a private collector.

Mr. Lonski would prefer all three of his professionals present before opening the meeting up to public again.

Scott Kennel, traffic engineer, stated the Belmar Inn has 40 rooms with a maximum possible occupancy of 80 people plus employees which would create a high parking demand. The proposal is for 24 apartments some will be one bedroom and others will be two bedrooms. This site would have a parking demand of 1.5 spaces. The current Belmar Inn has no onsite parking, the proposal does. The Municipal Land Use Code allows for the Board to grant a parking variance. The town has a train station for people to access. There will be bicycle racks on site. Each unit will have one dedicated parking space. The condos would generate 25-30% less traffic than the Inn. The parking demand in the Borough is seasonal; approximately 6 months out of the year.

Mr. Lisko suggested the architect's testimony be held until tomorrow's meeting given the late hour. Mr. Kennedy stated we will carry this application to tomorrow, July 26th.

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